

**SECOND AND THIRD READING SUMMARY SHEET****ZONING CASE NUMBER:** C14-06-0121 – The Domain**REQUEST:**

C14-06-0121 - The Domain - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-11000 Burnet Road, 11100-11900 Burnet Road; 2800 Block of Braker Lane and 3300 West Braker Lane (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions. First reading approved March 1, 2007. Vote: (7-0). Applicant: RREEF Domain, L.P. (Chad Marsh). Agent: Drenner+Golden, Stuart, Wolff, L.L.P. (Michele Haussmann). City Staff: Jorge E. Rousselin, 974-2975.

**APPLICANT:** RREEF Domain, L.P. (Chad Marsh)**AGENT:** Drenner+Golden, Stuart, Wolff, L.L.P. (Michele Haussmann)**DATE OF FIRST READING/VOTE:** March 1, 2007. Vote: (7-0)**CITY COUNCIL DATE:** April 5, 2007**CITY COUNCIL ACTION:**

March 1, 2007:

The motion to close the public hearing and grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions with the addition of low albedo roofing materials, one star construction for the total site and two star Green Builder construction for 50% of the office and residential construction was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

**ASSIGNED STAFF:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

**ZONING REVIEW SHEET -- SUMMARY****CASE:** C14-06-0121**P. C. DATE:** January 16, 2007  
January 30, 2007**ADDRESS:** 10700-11000 Burnet Road, 11100-11900 Burnet Road, 2800 Block of Braker Lane,  
3300 West Braker Lane**OWNER:** RREEF Domain, L.P.  
(Chad Marsh)**AGENT:** Drenner+Golden, Stuart, Wolff,  
LLP. (Michele Haussmann)**REZONING FROM:** MI-PDA (Major industrial – planned development area)**TO:** MI-PDA (Major industrial – planned development area) combining district**AREA:** 176.194 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***February 13, 2007:****APPROVED STAFF'S RECOMMENDATION FOR MI-PDA ZONING WITH ADDED CONDITIONS OF:***

- *2 STAR GREEN BUILDING RATING;*
- *NATURAL LANDSCAPING OF ALL WATER QUALITY PONDS (EXISTING & FUTURE);*
- *BE IN COMPLIANCE WITH T.I.A;*
- *THE APPLICANTS REQUESTED PARKLAND DEDICATION PROPOSAL;*
- *HEIGHT BASE OF 140-FT; PLUS AN ADDITIONAL 12-STORIES BASED ON ELECTING TO PROVIDE SOME OF THE PUBLIC BENEFITS AS LISTED IN THE NORTH BURNET GATEWAY NEIGHBORHOOD PLAN. MAXIMUM HEIGHT OF 308 FEET.*

*[J.REDDY, G.STEGEMAN 2<sup>ND</sup>] (9-0)***SUMMARY STAFF RECOMMENDATION:**

Staff recommends the rezoning from MI-PDA to MI-PDA with conditions to amend Ordinance No. 030731-Z-3 by including modifications. The conditions are as follows:

1. Maximum Height: (Measured from the Western Right-of-way line of Burnet Road – Please see Attachment A and based on providing public benefits as defined in the North Burnet/Gateway Plan):
  - Approximately 0 to 150 feet = 280 feet\*;
  - Approximately 151 feet to 300 feet = 210 feet\*;
  - Approximately 301 feet and greater = 280 feet\*;

*\*Residential use structures are assumed at a maximum average floor height of 12 feet; Mixed-use structures (including office and commercial uses) are assumed at a maximum average floor height of 14 feet. Furthermore, Staff supports maximum heights up to 420 feet with the inclusion of public benefits to be determined during the neighborhood planning process.*
2. Maximum Floor to Area Ratio (FAR) of 8:1;

3. Implementation of all recommendations included in the Traffic Impact Analysis and memo from Watershed Protection and Development Review;
4. Compliance with all recommendations of the Environmental Board (Please see Attachment B);
5. Compliance with parkland dedication requirements (Please see Attachment C); and
6. Compliance with Commercial Design standards as adopted by the City Council by Ordinance No. 20060831-068; Additionally, implementation of subsections of Chapter 25-2, Subchapter E (Design Standards and Mixed Use), Section 2.2.2. Core Transit Corridors (Sidewalk and Supplemental Zone [optional]) for properties along Burnet Road.

The Staff recommendation is based on the following considerations:

- 1.) The underlying zoning district is not proposed to be modified;
- 2.) The recommended conditions and proposed land uses shall incorporate a high density mixed-use project in accordance with the general recommendations of the North Burnet/Gateway neighborhood plan draft; and
- 3.) All other terms and conditions in the existing site plan and Ordinance No. 041216-Z-5b and Ordinance No. 030731-Z-5 shall remain in place.

#### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 176.194 acre site along MoPac Expressway and Burnet Road north of Braker Lane. The site is currently under construction for a mixed-use project including retail, restaurants, office and multifamily development and houses industrial development, general offices, and warehousing. A portion of this site lies within a scenic roadway along MoPac Expressway.

The site lies within the proposed North Burnet/Gateway Plan which encourages the redevelopment of the existing industrial areas with greater density and an urban development pattern. The Domain development generally meets the following key goals and concepts of the North Burnet/Gateway Plan:

- Create a lively urban neighborhood with a mix of uses where people can live, work, shop and play within walking distance of one another, and with a good connection to public transit.
- Include significant higher density residential in the mix.
- Provide a public open space in close proximity to new residential development
- Create a network of interconnected streets
- Provide pedestrian-friendly streetscapes, including tree-lined streets and wide sidewalks
- Placement of buildings close to the street, and parking areas behind and to the side of buildings

With regards to allowable building height, the Draft Plan recommends base entitlement of 15 stories for properties within the Commercial Mixed Use (CMU) subdistrict, which includes the Domain. For properties located within the CMU subdistrict and also within a 1/3 of a mile of the Capital MetroRail rail line or potential future Austin-San Antonio Intermunicipal Commuter Rail District (ASAIRCD) stations, the Draft Plan recommends a base entitlement of 20 stories.

Furthermore, the Plan also recommends a density bonus structure for properties that provide specific "public benefits" identified in the plan. The specific details of the density bonus are still undergoing review but will include affordable housing and green building requirements. The Density bonus would allow properties within the CMU to increase height to 20 stories, and in the station areas, properties could increase height to 30 stories if the applicant provides the additional "public benefit"

requirements. To achieve the density bonus provision of the plan, the applicant has committed to providing the following as “public benefits:”

1. All cut/fill will be structurally contained.
2. Implement an Integrated Pest Management (IPM) plan.
3. Attain at least 1 Star Level minimum under the Green Building Program site wide.
4. Implement the following studies:
  - a. Bioswale study: A study analyzing the environmental benefits, risks and methodology of direct infiltration of stormwater runoff into the subsurface;
  - b. Rainwater Harvesting Study: A study analyzing the environmental benefits, methodology and economic impact of the capture and re-use of rainwater;
  - c. Adaptive Re-use of Building Materials study: A study analyzing the environmental benefit, risks, methodology and economic impact of the re-use of building materials from Building 60 (i.e., and approximately 460,000 square foot building on site that is to be razed);
  - d. “Blowndown” study: A study analyzing the environmental benefits, risks methodology and economic impact of the capture and re-use of the “blowndown” water from the Austin Energy Central utility chiller plant located on the site (versus disposal of that water via the sanitary sewer system).
5. Upon redevelopment of a minimum of 80 acres, the applicant shall either (a) provide a cistern/cisterns or other structures capable of capturing a minimum of 75,000 gallons of rainwater or (b) provide bioswales capable of causing an equivalent amount of rainwater to be retained on-site, or a combination of both which achieves the same effect.
6. The on-site detention ponds will be sized so that the release of stormwater from the site will be at a rate less than the rate which existed when the site was in an undeveloped condition.

The Plan provides design standards for all new development and redevelopment in the plan area. For properties adjacent to Burnet Road, the North Burnet/Gateway design standards are similar to the City’s recently adopted Design Standards requirements for Sidewalks, Building Placement and Off-street Parking on Core Transit Corridors.

Burnet Road adjacent to the site shall be considered a “Core Transit Corridor”; provided, however, the following requirement shall govern the placement of buildings and associated parking structures, surface parking lots and sidewalks to the Core Transit Corridor:

#### **I. Building Placement Standards**

- a) All principal buildings shall have a maximum set back of 20 feet from the western edge of the 15’ Electric and Telecommunications Line Easement Doc. No. 200300333 along Burnet Road. Parking structures or surface parking lots are prohibited between the building(s) and the property line adjacent to Burnet Road. An exception may be made on the southwest corner of Burnet Road and Palm Way if it is necessary to allow the associated parking structure or surface parking lot to be closer to the Core Transit Corridor than the principal building in order to retain existing significant trees.
- b) Buildings shall have at least one entrance facing Burnet Road, with a pedestrian connection to the sidewalk along Burnet Road.
- c) Above-ground structured parking should be screened in such a way that cars are not visible from the street.

The foregoing building placement requirements shall not be applicable to buildings, parking structures, surface parking lots located on Lots 1-B and 1-C, Resubdivision of Lot 1, Block A Domain Section 2 Subdivision, Document Number 200600294.

## II. Sidewalk Standards

The following subsections of Chapter 25-2, Subchapter E (Design Standards and Mixed Use), Section 2.2.2. Core Transit Corridors (Sidewalk and Supplemental Zone [optional]) standards shall apply to all properties adjacent to Burnet Road:

- 2.2.2.B. Sidewalks
- 2.2.2.B.1. Street Tree/Furniture Zone
- 2.2.2.B.2. Clear Zone
- 2.2.2.B.3. Utilities
- 2.2.2.C. Supplemental Zone (Optional)
- 2.2.2.C.1.
- 2.2.2.C.2.
- 2.2.2.C.3.

A hike and bike trail may be used in lieu of a sidewalk if it meets the location and minimum width standards of 2.2.2.B Sidewalks. Hike and bike trail standards shall be provided by the applicant at the time of site plan.

The applicant seeks to modify the existing PDA under Ordinance No. 030731-Z-3 to allow for the development of a mixed-use project including offices, a shopping center, apartments, a hotel, high turn over restaurant, a supermarket, and utilities. Cut and fill variance are also requested and the recommendations of the Environmental Board (Please see Attachment B). The following are modifications to the existing PDA as requested by the applicant:

**1.) Buffers – Established in the MI-PDA Ordinances for the Property:**

Ordinance No. 030731-Z-3, Part 12 and Ordinance No. 030731-Z-5, Part 10:

Delete the 25-foot vegetative buffer to be located between commercial and residential uses.

**2.) Lots Abutting a Dedicated Public Street - Modification to Code Section 25-4-171 –**

**Access to Lots – (A) Each lot shall abut a dedicated public street and TCM Section 9-1:**

Each lot shall abut a Major Internal Drive or a dedicated public street.

Major Internal Drives shall meet the following minimum design criteria:

Major Internal Drive Name	No. of Lanes	Paving	Median	Sidewalk	Parking
		44' (only relative to the portion of Esperanza for which owner owns both sides)	Yes (Ranges from 12' to 23')		
Esperanza Boulevard	4, divided		Yes (Ranges from 11' to 22')	Yes	2 sides
Domain Parkway	4, divided	44'		Yes	None
		15' (Domain-Endeavor side only)	Yes (Ranges from 4' to 14')		
Domain Drive	2, divided			Yes	None
Palm Way	2	22'	None	Yes	2 sides
Domain Boulevard	2	22'	None	Yes	2 sides
Park Street	2	22'	None	Yes	2 sides
Kramer Lane	2	22'	None	Yes	2 sides

- All Major Internal Drives will be included in a Joint Access Agreement filed of record.

**Parking along Major Internal Drives:**

- Parking is permitted along Major Internal Drives as noted in the design criteria section.
- All Major Internal Drives shall have a direct connection to a public street or to another Major Internal Drive that has access to a public street.
- Signing, traffic signals, and other traffic control devices may be installed on Major Internal Drives.

**3.) Parkland Dedication - Modification to Division 5 - Parkland Dedication - Code Section - Applicability 25-4-211(A) The parkland dedication requirements of this division apply to all residential subdivisions:**

- The parkland dedication requirements of this division are not applicable to the Property.
- Owner will provide 9-acres of private parks within the development.

**4.) Site Development Regulations - Modification to Code Section 25-2-492 - Site Development Regulations:**

The following Site Development Regulations shall apply to the Property:

Minimum Lot Size (square feet):	0
Minimum Lot Width:	50
Maximum Height:	<u>Measured from the Western Right-of-way line of Burnet Road:</u>
	0 to 150 feet = 120 foot height
	151 to 300 feet = 150 foot height
	301 and greater = 375 feet
Maximum Building Coverage:	100%
Maximum Floor Area Ratio:	10:1
Setbacks:	
Front:	0
Street Side Yard:	0
Interior Side Yard:	0
Rear Yard:	0

**5.) Parking Requirements, Parking Design and Construction Standards and Loading/Unloading - Modification to Code Sections – LDC Sections: Section 25-6-472 (A), Section 25-6-472(I), Section 25-6-473 (D), Parking Facility Standards; Chapter 25-6, Appendix A; 25-6-477 (B), Bicycle Parking; Chapter 25-6, Appendix A; TCM Section: 9.6.0 Mixed-Use Parking (Shared Use Parking).**

**Parking Facility Standards - 25-6-472(A):**

(A) Except as provided in Section 25-6-473 (Modification of Parking Requirements), a parking facility for a use is not required to comply with Appendix A (Tables of Off-Street Parking and Loading), and instead must comply with the following requirements:

**Following are the parking requirements based on shared parking analysis performed for the site.**

**PARKING.**

The following parking regulations apply within the development:

(1) Minimum parking requirements are as follows:

(a) Except as otherwise provided in this subsection, a commercial use must provide one parking space for every 325 square feet of gross building area.

(b) General offices, professional offices, medical offices, and other commercial office uses must provide one parking space for every 400 square feet of gross building area.

(c) A condominium or multi-family housing use must provide one parking space for each dwelling unit and 0.5 additional parking spaces for each bedroom.

(d) Hotel uses must provide one parking space for every two (2) rooms.

(e) Academic uses must provide one parking space for every 500 square feet of gross building area.

(f) Playfields must provide eight parking spaces per field.

(g) Off-street parking is not required for neighborhood parks, amphitheatres and other auditoriums, community centers, pavilions, picnic shelters or tables, playgrounds, swimming pools, basketball/sport courts, or bike rental facilities.

**(h) The director shall determine the parking requirement for any use not listed in this subsection.**

(2) Bicycle parking shall be provided in accordance with Chapter 25-6, Appendix A of the City Code, except as follows:

(a) A condominium or multifamily residential or commercial use must provide not less than one bicycle parking space for every 60 motor vehicle parking spaces.

**Parking Design and Construction Standards – TCM:**

The following minimum Parking Design and Construction Standards for controlled and uncontrolled access parking facilities shall apply to the Property:

The following parking spaces are permitted on Major Internal Drives and all other internal drives:

- angled spaces
- reverse angled spaces
- parallel spaces

**Loading and Unloading:**

CBD loading and unloading standards apply to the property except:

- Delete 25-6-592 (C) (2) - the alley may not be used for loading or unloading.

**6.) Residential Density – Established in the MI-PDA Ordinance for the Property:**

Ordinance No. 030731-Z-3, Part 6:

- The maximum density for residential use is 6,000 dwelling units.

**7.) Delete MF-5 Setback Requirements for Residential Buildings, Delete Definition of Mixed Use Building and Section 25-2-601 is not applicable - Established in the MI-PDA Ordinances for the Property:**

Ordinance No. 030731-Z-3, Part 9 and 10:

Delete sections.

Ordinance No. 030731-Z-5, Part 7 and 8:

Delete sections.

**Industrial Park (IP), Major Industry (MI), and Limited Industrial Service (LI) District Regulations – 25-2-601:**

The zoning setback requirements of this section are not applicable to the Property.

**8.) Cut/Fill and Impervious Cover:**

1. Grant variance to amend the definition of “site” in regard to Impervious Cover calculations (§25-1-21(98));
2. Grant variances to allow maximum cut and fill of 12 feet (§25-8-341 and 342), and
3. Grant variance to increase Multifamily Impervious Cover limit from 60% to 80% (§25-8-394(C)(3)(a)).

Following Conditions are Required:

- All cut/fill will be structurally contained;
- Implement an IPM Plan;
- Attain at least 1 Star Level Minimum under the Green Building Program site wide;

Implement the following studies:

- a. Bioswale Study: A study analyzing the environmental benefits, risks and methodology of direct infiltration of stormwater run-off into the subsurface;
- b. Rainwater Harvesting Study: A study analyzing the environmental benefits, methodology and economic impact of the capture and re-use of rainwater;
- c. Adaptive Re-use of Building Materials Study: A study analyzing the environmental benefits, risks, methodology and economic impact of the re-use of building materials from Building 60 (i.e., an approximately 460,000 square foot building on the site that is to be razed), and
- d. “Blowdown” Study: A study analyzing the environmental benefits, risks, methodology and economic impact of the capture and re-use of the “blowdown” water from the Austin Energy central utility chiller plant located on the site (versus disposal of that water via the sanitary sewer system).



The applicant will meet with the appropriate City staff to share the findings. In addition, the applicant will incorporate the recommendations of the studies that both City staff and the applicant agree are practical.

Upon redevelopment of a minimum of 80 acres, the applicant shall either (a) provide a cistern/cisterns or other structures capable of capturing a minimum of 75,000 gallons of rainwater or (b) provide bioswales capable of causing an equivalent amount of rainwater to be retained on-site, or a combination of both which achieves the same effect, and

The on-site detention ponds will be sized so that the release of stormwater from the site will be at a rate less than the rate which existed when the site was in an undeveloped condition.

**9.) Permitted and Prohibited Uses:**

Ordinance No. 030731-Z-3, Part 3 and Ordinance No. 030731-Z-5, Part 3:

Summary of Uses Permitted in the MI Zoning District:

The attached Zoning Use Summary Table summarizes the permitted and conditional MI, Major Industrial, uses that are permitted and conditional uses of the Property. This summary table will be attached as an exhibit to the zoning ordinance.

\* Additional permitted uses are described in zoning ordinances 030731-Z-3 and 030731-Z-5.

Additional Prohibited Uses:

Vehicle Storage

Agricultural Sales and Services

Drop-Off Recycling Collection Facility

Scrap and Salvage

\* Other prohibited uses are described in ordinances 030731-Z-3 and 030731-Z-5.

**10.) Site Plan Expiration - Modification to Code Section 25-5-81(A) Site Plan Expiration:**

- Except as provided in Subsections (C), (D) and (E) of this section, a site plan expires seven years after the date of its approval.

**11.) Preliminary Plan Expiration - Modification to Code Section 25-4-62 (2) Expiration of Approved Preliminary Plan:**

- An approved preliminary plan expires:
- (2) in the desired development zone, ten years after the date the application for its approval is filed.

**12.) Design Standards:**

- The Project will be designed and constructed in accordance with the applicable Commercial Design Standards adopted on August 31, 2006 as Ordinance Number 20060831-068.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MI-PDA	Industrial / IBM
<i>North</i>	LI	Office building
<i>South</i>	MI	Industrial
<i>East</i>	MI	IBM
<i>West</i>	MI-PDA / LI-PDA	Commercial / Industrial

**NEIGHBORHOOD PLAN:**

North Burnet / Gateway

**TIA:** Yes (Please see Transportation comments)**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**SCENIC ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

64--River Oaks Lakes Estates Neighborhood

114--North Growth Corridor Alliance

480--Scofield Farms Residents Assn.

511--Austin Neighborhoods Council

742--Austin Independent School District

786--Home Builders Association of Greater Austin

**SCHOOLS:**

Austin Independent School District

- Davis Elementary School
- Murchison Middle School
- Anderson High School

**RELATED CASES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0016	MI to MI-PDA	06/11/03: APVD STAFF REC OF MI-PDA (8-0)	07/31/03: APVD MI-PDA (7-0); ALL 3 RDGS
C14-04-0151	MI-PDA to MI-PDA	11/23/04: APVD STAFF REC INCL 5 CONDS IN WPDR MEMO OF 11-16-04 (7-0)	12/16/04: APVD MI-PDA (7-0); ALL 3 RDGS
C14-06-0154	MI-PDA to MI-PDA	08/08/06: APVD STAFF REC OF MI-PDA BY CONSENT (8-0)	09/28/06: APVD MI-PDA (7-0); 1ST RDG  10/05/06: APVD MI-PDA CHANGES A COND OF ZONING (6-0); ALL 3 RDGS

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0017	MI to MI-PDA;	07/08/97: APVD MI-PDA (5-0-3);	08/14/97: APVD MI-PDA (7-0) ALL

	MF-2 to MI-PDA	AP AGREED TO PROVIDE PEDESTRIAN/SIDEWALK ACCESS TO DUVAL RD	3 RDGS
C14-00-2085	SF-2 to CS	10/27/00: WITHDRAWN BY APPLICANT	N/A
C14H-00-2177	LI-PDA to LI-PDA and LI-PDA-H	10/23/00: HLC: APVD H ZONING (6-0) BASED ON 1, 2-3, 5-9 & 12  10/24/00: APVD STAFF REC OF LI-PDA (1); LI-PDA-H (2) BY CONSENT (9-0)	10/30/00: APVD LI-PDA (1) & LI-PDA-H (2); (7-0); ALL 3 RDGS
C14-03-0016	MI to MI-PDA	06/11/03: APVD STAFF REC OF MI-PDA (8-0)	07/31/03: APVD MI-PDA (7-0); ALL 3 RDGS
C14-03-0017	MI to MI-PDA	06/11/03: PVD STAFF REC OF MI-PDA W/INCLUSION OF ORIG PDA CONDS (ORD. 000608-67); (8-0)	07/31/03: APVD MI-PDA (7-0); ALL 3 RDGS
C14-04-0146	P to CH	11/09/04: APVD STAFF ALT REC OF CH W/CONDS (8-0). Conditions: TIA	12/02/04: APVD CH (7-0); ALL 3 RDGS
C14-06-0077	LI-PDA to LI-PDA	06/13/06: APVD STAFF REC OF LI-PDA BY CONSENT (8-0)	07/27/06: APVD LI-PDA (7-0); ALL 3 RDGS

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
MoPac	500'	Varies	Arterial	Portions	No	No
Burnet Road	120'	65'	Arterial	No	Yes	Priority 2
Braker Lane	Varies	2 @ 36'	Arterial	No	Yes	Priority 2

**CITY COUNCIL DATE:**

February 15, 2007

March 1, 2007

April 5, 2007

**ACTION:**

This item was postponed to March 1, 2007 at the neighborhood's request (consent). 7-0

The motion to close the public hearing and grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

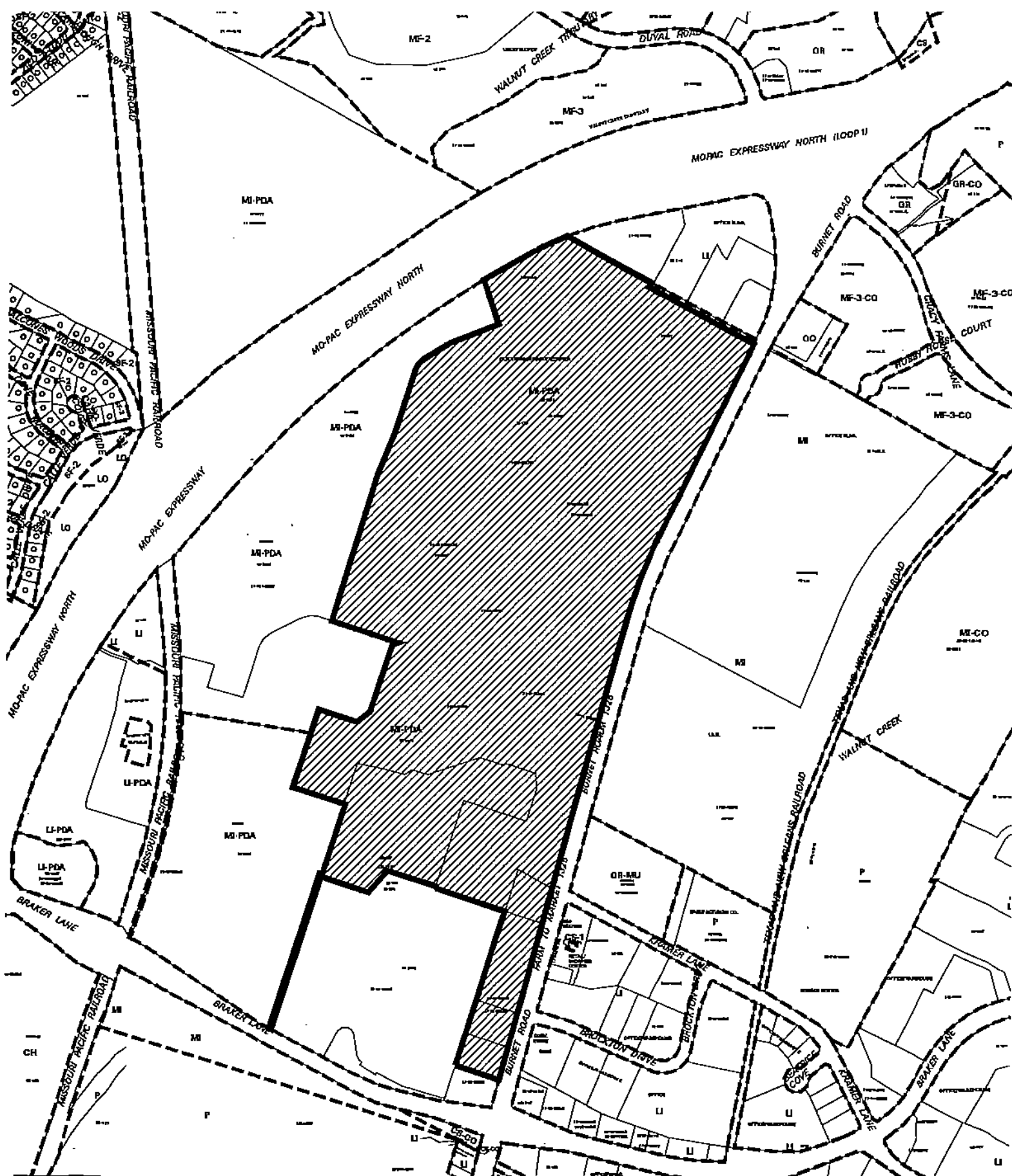
**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 1" = 800'	SUBJECT TRACT		ZONING		CITY GRID REFERENCE NUMBER  K33,K34
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-06-0121	DATE: 07-01	
	CASE MGR: J. ROUSSELIN	ADDRESS: 10700-11000 Burnet Rd., 11100-11900 Burnet Rd., 2800 Block of Braker Ln., 3300 West Braker Ln. and 10701 North MoPac Expressway	INTLS: SM		
	SUBJECT AREA (acres): 176.194				





**Date:** January 24, 2007  
**To:** Jorge Rousselin, Case Manager  
**CC:** Kathy Hornaday, P.E., HDR|WHM Transportation Engineering  
**Reference:** The Domain Endeavor TIA, C14-06-0121

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Domain Endeavor site, dated July 2006, prepared by Kathy Hornaday of HDR|WHM Transportation Engineering and offers the following comments:

The Domain Endeavor tract is a 176.194-acre mixed use development located in north Austin near the intersection of Burnet Road and Braker Lane.

The property is currently developed with 770,000 square feet of office, 240,000 square feet of warehousing, and 460,000 square feet of manufacturing, all of which will be demolished as part of this development. In addition, 330,000 square feet of office building exists, of which 260,000 square feet will remain, including the Culinary Academy. The other 70,000 square feet will be incorporated into the build-out of the Domain site. The applicant has requested a zoning change to modify the Planned Development Agreement currently in place. The estimated build-out of the project is expected in the year 2021.

#### **TRIP GENERATION**

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the site currently generates 9,414 unadjusted average daily trips and will generate approximately 75,951 new unadjusted average daily trips upon final build-out in 2021.

The table below shows the adjusted trip generation by land use for the proposed development:

<b>Table 1. Trip Generation</b>						
<b>LAND USE</b>	<b>Size</b>	<b>ADT</b>	<b>AM Peak</b>		<b>PM Peak</b>	
			<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
General Office	3,5000,000sf	15,766	2,170	296	520	2,539
Shopping Center	1,000,000sf	20,755	291	186	830	899
High Rise Apartments	4,000DU	12,855	245	704	643	428
Hotel	340 Occ. Rooms	2,324	102	73	89	93
High Turn Over Sit Down Restaurant	58,053sf	4,437	266	246	169	108
Supermarket	60,000sf	3,845	91	58	156	149
Utilities	5 acres	40	5	3	2	2
General Office (expansion of existing office)	70,000sf	779	95	13	14	67
Subtotal		60,821	3,265	1,579	2,423	4,285
<b>Total New Trips</b>		<b>52,822</b>	<b>2,220</b>	<b>1,391</b>	<b>2,154</b>	<b>3,354</b>

## **ASSUMPTIONS**

1. Background traffic volumes for 2006 included estimated traffic volumes for the following project:
  - Domain/Multek Subdivision SP-00-2579B
  - IBC Bank SP-05-1558C
  - Domain Building 5 Part B SP-00-2579B
  - Tivoli Phase 1, 2, and 3 SP-00-2372C
  - Shops at Arbor Walk C14-04-0146
  - Coca Cola Warehouse Expansion SP-03-0518C
  - The Domain SP-02-0502CF
  - Braker Pointe Whole Foods Market C14-06-0077
  - Austin Commons SP-06-0093C/C14-06-0031
2. An annual growth rate of 2% was assumed for all roadways within the study area.
3. A 25% reduction was assumed for all uses within the development for internal capture, pedestrian, bicycle and transit trips. Rapid bus service and commuter rail service are proposed by Capital Metro within the vicinity of the site.
4. The following pass-by reductions were assumed:

Land Use	AM Peak	PM Peak
Shopping Center	0%	21%
High-Turnover Restaurant	0%	43%
Supermarket	0%	36%

## **EXISTING AND PLANNED ROADWAYS**

**Loop 1 (MoPac)** – This roadway is classified as a six-lane freeway within the vicinity of the site. The 2004 traffic volumes for MoPac south of Duval were approximately 114,000 vehicles per day (vpd).

**FM 1325 (Burnet Road)** – Burnet Road is classified as a four lane divided major arterial between Loop 1 and US Highway 183. The 2025 Roadway Plan call for FM 1325 to be a six lane divided roadway. This facility carried 34,000vpd north of US 183 in 2004.

**Braker Lane** – This roadway is classified as a six lane divided major arterial between US 183 and North Lamar Boulevard. The 2004 estimated traffic volumes on Braker Lane west of Burnet were 26,400vpd. Braker Lane is classified in the Bicycle Plan as a Priority 1 bicycle route.

**Duval Road** – Duval Road is classified as a four lane divided major arterial carrying approximately 25,158vpd in 2005. Duval Road is classified in the Bicycle Plan as a Priority 1 bicycle route.

**Kramer Lane** - This roadway is classified as a collector street and serves as a boundary street for the site. Kramer Lane is classified in the Bicycle Plan as a Priority 1 bicycle route.

**Gracy Farms Lane** – This roadway is classified as a two lane divided collector street. 2003 traffic volumes east of Metric were 3,300vpd.

**Gault Road** – This roadway way is classified as a two lane undivided collector street and will serve as an access route for the site. Traffic estimates east of FM 1325 were 6,200vpd and 1,900vpd west of Burnet Road.



**Brockton Drive** – Brockton Drive is a four-lane undivided roadway in the vicinity of this site. 2005 estimated traffic counts for Brockton Drive east of FM 1325 were 2,500vpd.

### **INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA analyzed 17 intersections, 11 of which are currently signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

<b>Table 2. Intersection Level of Service</b>				
<b>Intersection</b>	<b>2006 Existing</b>		<b>2021 Site + Forecasted</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
Loop 1 EFR and Duval/Burnet Road*	F	F	F	F
Loop 1 WFR and Duval/Burnet Road*	F	F	F	F
Loop1 EFR and Braker Lane*	F	F	F	F
Loop 1 WFR and Braker Lane*	F	F	F	F
Burnet Road and Braker Lane*	E	F	E	F
Burnet Road and Gault Road*	A	C	A	C
Burnet Road and Loop 1 EFR/Gracy Farms Lane *	C	F	C	F
Burnet Road and Kramer Lane*	B	E	C	D
Burnet Road and Palm Way/IBM Driveway*	A	E	A	F
Domain Drive/JJ Pickle Driveway and Braker Lane*	D	F	D	F
Burnet Road and Esperanza/IBM Driveway*	C	F	B	F
Burnet Road and Brockton Drive	F	F	B	F
Loop 1 EFR and Esperanza Driveway	A	A	A	A
Loop 1 EFR and Palm Way Driveway	F	F	F	F
Loop 1 EFR and Domain Boulevard Driveway	A	A	A	A
Burnet Road and Driveway AA	A	A	A	A
Burnet Road and Driveway BB	A	A	A	A

\*Signalized Intersection

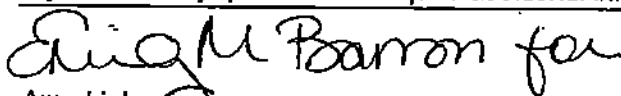
## **RECOMMENDATIONS**

- 1) Prior to 3<sup>rd</sup> Reading at City Council, fiscal is required to be posted for the following improvements:

<b>Intersection</b>	<b>Improvement</b>
Loop 1 and Duval/Burnet Road	Additional NB Left Turn Lane
Burnet Road and Braker Lane	Construct NB Dual Left Turn Lanes
	Extend NB Right Turn Bay
	Construct EB Dual Left Turn Lanes
	Construct WB Dual Left Turn Lanes
	Construct WB Right Turn Lane
	Construct SB Dual Left Turn Lanes
Burnet Road and Gault Road	Construct WB Right Turn Lane
	Construct SB Right Turn Lane
Burnet Road and Palm Way/IBM Driveway	Construct EB Dual Left Turn Lanes
Domain Drive/JJ Pickle Driveway and Braker Lane	Extend EB Dual Left Turn Bays to provide 650 of Storage
	Construct SB Dual Left Turns
	Construct SB Dual Right Turns
	Construct WB Right Turn Lane
Burnet Road and Esperanza/IBM Driveway	Install Traffic Signal
	Construct NB Additional Left Turn Lane
	Restripe EB Approach to provide Dual Left Turn Lanes and a Shared Right and Through Lane

- 2) Driveway alignment and minimum widths are recommended as stated in the TIA, with the following exception: Driveway BB shall be designed as right-in, right-out only.
- 3) Pedestrian crossing facilities with properly designed wheel chair ramps, crosswalks, and pedestrian push button assemblies shall be included at all existing and proposed signalized intersections based upon the high pedestrian activity forecasted in the TIA. Fiscal shall be posted for all Intersection Improvements prior to 3<sup>rd</sup> Reading at City Council.
- 4) Properly designed bus turn-outs shall be incorporated into the site plan for this development.
- 5) The Public Works Department has approved this TIA.
- 6) Two copies of the final TIA are required to be submitted prior to final approval of the site plan.
- 7) TXDOT has approved this TIA.
- 8) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Amy Link  
Sr. Planner - Watershed Protection and Development Review

## STAFF RECOMMENDATION

Staff recommends the rezoning from MI-PDA to MI-PDA with conditions to amend Ordinance No. 030731-Z-3 by including modifications. The conditions are as follows:

1. Maximum Height: (Measured from the Western Right-of-way line of Burnet Road – Please see Attachment A and based on providing public benefits as defined in the North Burnet/Gateway Plan):
  - Approximately 0 to 150 feet = 280 feet\*;
  - Approximately 151 feet to 300 feet = 210 feet\*;
  - Approximately 301 feet and greater = 280 feet\*;

*\*Residential use structures are assumed at a maximum average floor height of 12 feet; Mixed-use structures (including office and commercial uses) are assumed at a maximum average floor height of 14 feet. Furthermore, Staff supports maximum heights up to 420 feet with the inclusion of public benefits to be determined during the neighborhood planning process.*
2. Maximum Floor to Area Ratio (FAR) of 8:1;
3. Implementation of all recommendations included in the Traffic Impact Analysis and memo from Watershed Protection and Development Review;
4. Compliance with all recommendations of the Environmental Board (Please see Attachment B);
5. Compliance with parkland dedication requirements (Please see Attachment C); and
6. Compliance with Commercial Design standards as adopted by the City Council by Ordinance No. 20060831-068; Additionally, implementation of subsections of Chapter 25-2, Subchapter E (Design Standards and Mixed Use), Section 2.2.2. Core Transit Corridors (Sidewalk and Supplemental Zone [optional]) for properties along Burnet Road.

The Staff recommendation is based on the following considerations:

- 1.) The underlying zoning district is not proposed to be modified;
- 2.) The recommended conditions and proposed land uses shall incorporate a high density mixed-use project in accordance with the general recommendations of the North Burnet/Gateway neighborhood plan draft; and
- 3.) All other terms and conditions in the existing site plan and Ordinance No. 041216-Z-5b and Ordinance No. 030731-Z-5 shall remain in place.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

*The purpose of a planned development area (PDA) combining district is to:*

- (1) *provide for industrial and commercial uses in certain commercial and industrial base districts; or*
- (2) *incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development area agreement.*

The proposed rezoning meets the purpose statement of the district sought as the proposed change will encourage commercial uses in an industrial based zone.

2. *Zoning changes should promote compatibility with adjacent and nearby.*

Existing uses adjacent to the subject property are mixed uses and commercial uses. The proposed change will be compatible as it will integrate itself to the surrounding land uses. The recommended conditions will address compatibility with the proposed goals and objectives of the proposed neighborhood plan.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject rezoning area consists of a 176.194 acre site along MoPac Expressway and Burnet Road north of Braker Lane. The site is currently under construction for a mixed-use project including retail, restaurants, office and multifamily development and houses industrial development, general offices, and warehousing. A portion of this site lies within a scenic roadway along MoPac Expressway.

### **Transportation**

1. Transportation review staff has no objections to the proposed amendment.

## **COMMENTS FROM ORIGINAL SUBMITTAL ~**

1. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo. Per correspondence with the consultant preparing the TIA, the TIA submitted with this case is currently undergoing major revisions. The consultant has asked that review of the TIA be postponed until the revised TIA is submitted.
2. Staff supports the request to not provide lot frontage to public streets with the condition that all lots within the property have access to a public right of way through a joint access easement.
3. On July 1<sup>st</sup>, the City will be posting new parking space design criteria. Please comply with these proposed parking space dimensions.
4. Comments regarding the shared parking study and proposed modifications to parking requirements were provided to WHM on May 24, 2006.
5. Staff supports the request regarding loading/unloading facilities.

### **Environmental**

1. EV 1. Provide impervious cover Q1 & Q2 tables and clearly show the difference between the amount of impervious cover allowed under current code versus the amount of impervious cover being requested.
2. Update #1: WPDR staff would like to discuss with you a meaningful overall impervious cover reduction in exchange for flexibility on a site-by-site basis. Please remember that multi-family projects have a 60% IC limit. Has this been figured into your IC calculations?
3. EV 2. Provide a larger scale cut/fill exhibit as well as a slope map showing the proposed development.

*Update #1: Comment cleared.*

4. EV 3. Provide a tree survey and indicate all trees that will be impacted by the proposed development.

*Update #1: Comment cleared.*

5. EV 4. Provide a letter outlining how the proposed development will be better environmentally than Code requirements.
6. Update #1: Please provide a side-by-side comparison between current code and what is being proposed in the PDA Amendment.
7. EV 5. Contact the EV reviewer to set up a meeting to discuss the requests for exceptions to the environmental code.

*Update #1: All pertinent information for the cut/fill exception has been received. The issue of a possible exception to impervious cover calculations will be addressed in conjunction with EV 1.*

### **Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utility service. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, utility relocation, and utility abandonment. All water and wastewater utility plans. Must be reviewed and approved by the Austin Water Utility. The plans must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.
2. The landowner must provide all required onsite and offsite easements as defined by the Austin Water Utility.

### **Drainage Construction**

**Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.**

1. DC 1. Please furnish an exhibit showing the overall layout of the lots affected by this proposed zoning PDA.
2. DC 2. After further consideration, the implementation of "private drives" for frontage for lots should not be approved during a zoning case for the reasons explained below.
3. Drainage construction comments have been extensively revised because of concerns regarding aspects of the project that will relate to health, safety and welfare which may result if there is no public R.O.W. or common lot for private street.

4. This application is proposing “private drives” with public access easement(s) which will function as collector streets. In the absence of a preliminary plan or P.U.D. land use plan, it is not clear how the drainage will function within the proposed “private drive”. One important aspect of the street requirements for public streets and private streets is that the drainage provisions of the Drainage Criteria Manual require the maintenance of clear street widths during the 25 year design storm to ensure paths for emergency vehicles. In addition the drainage criteria establishes requirements for inlets and conveyance of storm sewer to ensure that storm events up through the 100 year storm event are conveyed with right-of-way or drainage easements. This is not required for a public access drive, and the resulting development may be substandard unless a private street concept is implemented or unless extensive performance criteria area adopted. This type of extensive modification to criteria is normally reserved for a P.U.D.
5. In addition the zoning proposal appears to include provisions to transfer impervious cover from Lots without following the transfer guidelines established in the Land Development Code [LDC 25-8-395] . Because there are also potentially ownership issues, the code has wisely mandated this as part of the platting process.
6. All of these exceptions to the general principles established by the City based upon our current code, criteria and practices may result in a substandard infrastructure or the inability to plat already constructed improvements.

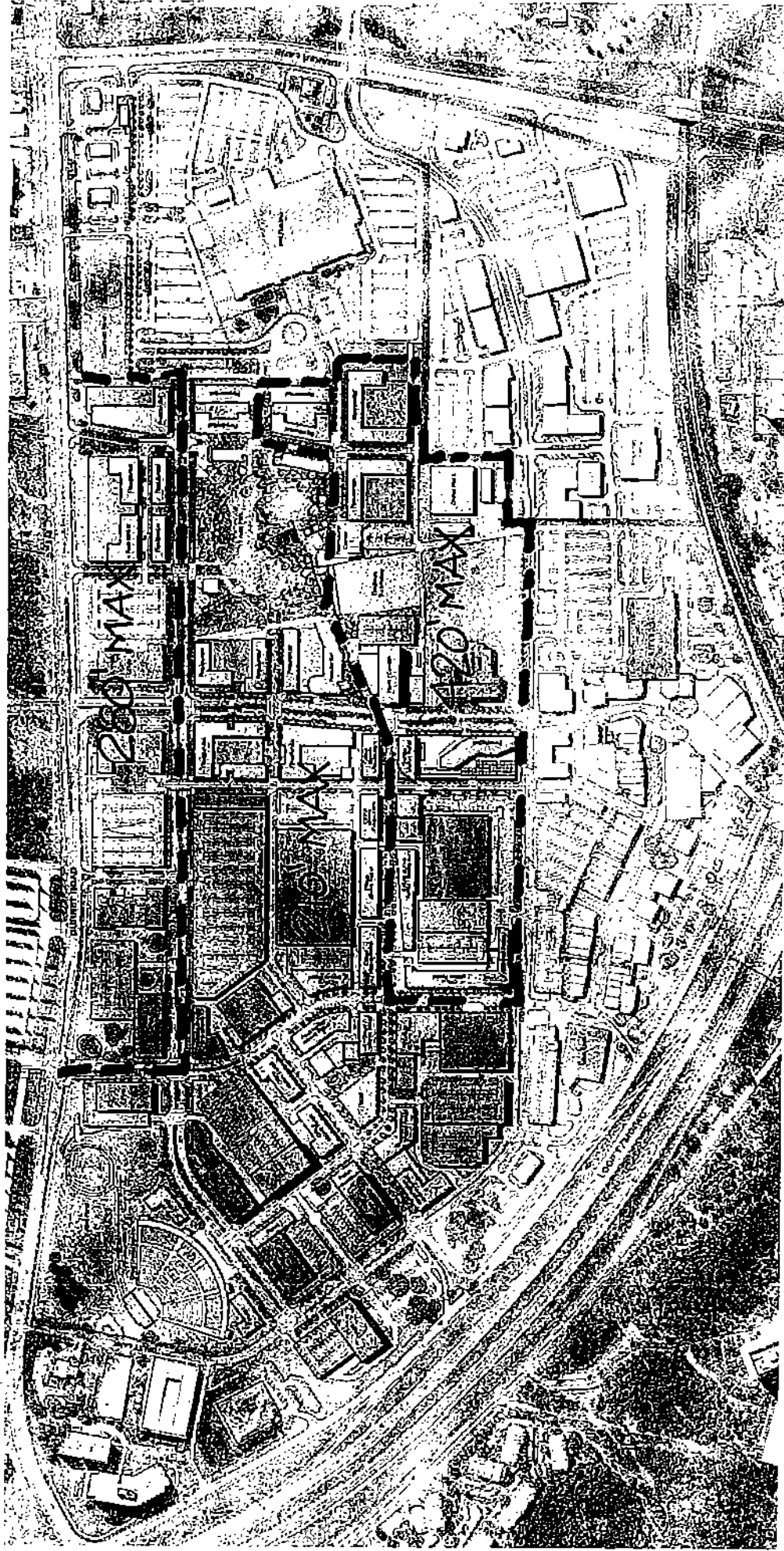
#### **Site Plan**

1. This reviewer did not receive a comment response letter addressing comments.
2. Please clarify how the impervious coverage calculations will be implemented (will the green areas be restricted with a covenant – particularly the lots that have already been platted?). Is it possible to show where the proposed allocated green space/areas will be? How will the cumulative IC be tracked?
3. Site plan expiration dates of seven years – please justify.
4. This reviewer did not receive a copy of the proposed design standards, are they the same as the new commercial design guidelines?
5. The site development standards now show the building coverage to be allowed at 100%. Please clarify how this will be possible given the statement that each site plan application may not exceed 92.1% for impervious coverage.

#### **Parks Department**

1. Please see Attachment C regarding parkland dedication.

# DRAFT CONCEPTUAL PLAN





## ENVIRONMENTAL BOARD MOTION 011007-B1

Date: January 10, 2007

Subject: The Domain

Motioned By: Phil Moncada  
Recommendation

Seconded by: Rodney Ahart

The Environmental Board recommends approval with conditions to amend the Planned Development Agreement (PDA) for The Domain as follows: 1) Land Development Code 25-8-341 and 342 to allow maximum cut and fill of 12'. 2) Land Development Code 25-1-21 Amend the definition of "site" to allow Impervious Cover to be calculated based on the overall 174-693 acre development; and 3) Land Development Code 25-8-394(C)(3)(a) to increase Multifamily Impervious Cover limit from 60% to 80%.

### Staff Conditions

- DRAFT**
- 1) All cut/fill will be structurally contained.
  - 2) Implement an IPM plan.
  - 3) Attain at least 1 Star Level minimum under the Green Building Program site wide.
  - 4) Implement the following studies:
    - a. Biowale study: A study analyzing the environmental benefits, risks and methodology of direct infiltration of stormwater runoff into the subsurface;
    - b. Rainwater Harvesting Study: A study analyzing the environmental benefits, methodology and economic impact of the capture and re-use of rainwater;
    - c. Adaptive Re-use of Building Materials study: A study analyzing the environmental benefit, risks, methodology and economic impact of the re-use of building materials from Building 60 (i.e., and approximately 460,000 square foot building on site that is to be razed);
    - d. "Blowdown" study: A study analyzing the environmental benefits, risks methodology and economic impact of the capture and re-use of the "blowdown" water from the Austin Energy Central utility chiller plant located on the site (versus disposal of that water via the sanitary sewer system).

The applicant will meet with the appropriate City staff to share the findings. In addition, the applicant will incorporate the recommendations of the studies that both City staff and the applicant agree are practical.

### Board Conditions

- 1) Upon redevelopment of a minimum of 80 acres, the applicant shall either (a) provide a cistern/cisterns or other structures capable of capturing a minimum of 75,000 gallons of rainwater or (b) provide bioswales capable of causing an equivalent amount of rainwater to be retained on-site, or a combination of both which achieves the same effect.
- 2) The on-site detention ponds will be sized so that the release of stormwater from the site will be at a rate less than the rate which existed when the site was in an undeveloped condition.



## Rationale

1. The new project will be developed as an urban Master Plan bounded by three major roadways, near transit corridors, and in the Desired Development Zone. Reduction of mixed use amenities.
2. The reduction of stormwater flow by 12% will reduce the impact on the Walnut Creek Watershed. In addition, no portion of this site is within the Edwards Aquifer Recharge Zone.
3. This is a vertically integrated mixed-use development and the master plan will create an opportunity to track impervious cover for this project.
4. Because the site as a whole can be considered mixed use, the Board does not feel it is setting a precedent by allowing 80% impervious cover for stand-alone multi-family residential structures. The Board does not feel that level of impervious cover is acceptable outside of a true mixed use environment in environmentally sensitive areas, but given the location of this mixed usage site, and the environmental protections agreed to by the applicant, the Board is willing to recommend the proposed variances be granted.

Vote 6-0-0-3

For: Anderson, Moncada, Maxwell, Ahart, Curra, and Ascot

Against:

Abstain:

Absent: Beall, Dupnik and Jenkins

DRAFT

Approved By:

Dave Anderson P.E., CFM  
Environmental Board Chair



## Memorandum

**To:** Greg Guernsey, Director  
Neighborhood Planning and Zoning Department

**From:** Warren Struss, Director  
Parks and Recreation Department

**Subject:** Domain Zoning Case C14-06-0121

**Date:** February 8, 2007

The Parks and Recreation Department cannot authorize an exemption to the Parkland Dedication Ordinance as recommended in the stated zoning case. Only the City Council can approve this recommendation. Furthermore, the Department does not support the proposed exemption as stated. Such an action would be a precedent that could have a far-reaching consequence on future projects throughout the Austin area.

It is recognized that the proposed Domain project has a high level of open space and recreational amenities. The Parks and Recreation Department is willing to work with the applicant to identify suitable methods to comply with the ordinance, including the following:

- 1) Dedication of parkland to the City of Austin;
- 2) Dedication of a combination of land and fees to the City;
- 3) Dedication of a combination of land and recreational facilities to the City;
- 4) Dedication of land and/or facilities to the City that are not within the development, but which are within one mile of the development;
- 5) Granting of 50% credit for private recreational facilities.

These alternatives could substantially reduce or satisfy the requirements of the Parkland Dedication Ordinance. It should also be recognized that the Department is proposing an amendment to the ordinance that would require a payment of \$650 per residential dwelling unit. When adopted, this schedule of fees would significantly reduce the amount of fees required under the existing ordinance. The Department would support this fee schedule within the proposed zoning ordinance.

If you need further clarification on these issues, please let me know.

Warren W. Struss, Director  
Parks and Recreation Department

ATTACHMENT C

**The Domain - Parkland Dedication Code Requirements**

Number of Units Proposed	Code Required Parkland Dedication Acreage	Code Required Fees in Lieu of Parkland Dedication (50% credit for amenities provided)	City Initiated – Potential Amendment to Revise City Parkland Dedication Ordinance - \$650 per unit (not approved yet)
4000	34	\$9,731,082 50% credit = \$4,865,541	\$2,600,000 50% credit = \$1,300,000
4500	38.25	\$10,947,467 50% credit = 5,473,734	\$2,925,000 50% credit = \$1,462,500
5000	42.5	\$12,163,852 50% credit = 6,081,926	\$3,250,000 50% credit = \$1,625,000
6000	51	\$14,596,623 50% credit = 7,298,312	\$3,900,000 50% credit = \$1,950,000

- Total TCAD Value: \$49,618,203.00
- Total Acreage: 173.122 acres
- Value Per Acre: \$286,608

Applicant's Proposed Parkland Dedication Requirement:

- 9 acre private park to be maintained by the owner – TCAD value for 9 acres is \$2,579,472
- Private pocket parks throughout the development
- Approximately \$4 million of park infrastructure and other recreational facilities, including hike and bike paths.
- Total investment in parks is approximately \$6,579,472
- Private parks are open to the public

**ORDINANCE NO. 030731-Z-3**

**AN ORDINANCE REZONING AND CHANGING THE MAP FOR THE PROPERTY KNOWN AS THE DOMAIN PROJECT LOCATED AT 11400 BURNET ROAD FROM MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial planned development area (MI-PDA) combining district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No.C14-03-0017, on file at the Neighborhood Planning and Zoning Department, as follows:

A 234.762 acre tract of land, more or less, out of the James Rodgers Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, SAVE AND EXCEPT a 34.476 acre tract also known as Lot 1, Block A, Domain Section I Subdivision, more particularly described in Document No. 200100336, Public Records of Travis County, (the "Property")

locally known as 11400 Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as otherwise provided in Part 4, Section 5, development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

**PART 3.** Development of the Property shall comply with the following use regulations:

1. Except as provided in Section 3, all permitted and conditional major industrial (MI) uses are permitted and conditional uses of the Property.

2. The following are additional permitted uses of the Property:

Condominium residential	Retirement housing (small site)
Retirement housing (large site)	Townhouse residential
Consumer repair services	Recreation equipment maintenance
Recreation equipment sales	and storage
Research testing services	Veterinary services
Administrative services	College and university facilities
Convalescent services	Postal facilities
Multifamily residential	

3. The following uses are prohibited uses of the Property:

Monument retail sales	Basic industry
Recycling center	

**PART 4.** Development of the Property shall comply with the following site development regulations:

1. Definitions

As used in this ordinance:

- a. *Burnet Road Pad Lot* means a lot that has frontage of 150 feet or more on Burnet Road and is less than three acres in size. A lot that has frontage on both Burnet Road and Braker Lane is not included in this definition.
- b. *Braker Lane Pad Lot* means a lot that has frontage of 150 feet or more on Braker Lane and is less than three acres in size. A lot that has frontage on both Burnet Road and Braker Lane is not included in this definition.
- c. *Mixed Use Building* is a building used for both commercial and residential uses.

2. Lot size

The minimum lot size is one and one-half acres.

3. Curb cuts

- a. The total number of curb cuts in addition to those existing on the date of this ordinance providing access to Braker Lane Pad Lots may not exceed 50 percent of the total number of Braker Lane Pad Lots.
- b. The total number of curb cuts in addition to those existing on the date of this ordinance providing access to Burnet Road Pad Lots may not exceed 50 percent of the total number of Burnet Road Pad Lots.

4. Frontage of Pad Lots

- a. The total frontage of Braker Lane Pad Lots may not exceed 40 percent of the total Braker Lane frontage located within the Property.
- b. The total frontage of Burnet Road Pad Lots may not exceed 50 percent of the total Burnet Road Lane frontage located within the Property.

- 5. The Property shall comply with Section 25-2-648 of the City Code except that it does not apply to uses of tenants that occupy the Property on July 31, 2003.
- 6. The maximum density for residential use is 4,005 dwelling units.
- 7. Except as provided in Section 9, MI site development standards apply to the Property.
- 8. Sections 9, 11, and 12 apply to the following uses:

Condominium residential  
Retirement housing (small site)  
Townhouse residential  
Convalescent services

Multifamily residential  
Retirement housing (large site)  
Congregate living

9. If the Property is developed with a use in Section 8 and;

- a. the development is a mixed use building that complies with the site development standards in Section 10, then development of the Property shall comply with the setback requirements of MI; or

- b. the development is a mixed use building other than one described in Section 9a, then development of the Property shall comply with the setback requirements of the multifamily residence high density (MF-5) district.

10. This section applies to a mixed use building described in Section 9a.

- a. The building contains residential units above ground floor level.
- b. The square footage of the residential units on the ground floor is not more than 50 percent of the gross floor area of the ground floor.
- c. The square footage of the non-residential units in the above-ground floor area is not more than 50 percent of the gross floor area of the above-ground floor area.

11. A 100-foot wide buffer zone shall be established and maintained between property developed with the uses in Section 8 and the following uses:

Agricultural sales and services	Construction sales and services
Equipment repair services	Equipment sales
Research services	Research testing services
General warehousing and distribution	Light manufacturing
Limited warehousing and distribution	Maintenance and service facilities
Postal facilities	Railroad facilities

Improvements permitted within the buffer zone are limited to driveways, parking facilities, solid fences, pedestrian trails, hike and bike trails, recreational facilities, detention and water quality re-irrigation facilities, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

12. Except as provided in Section 13, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 8 and property developed with a commercial or industrial use. Improvements permitted within the 25-foot buffer zone are limited to drainage, underground utility improvements, overhead electric or communication lines or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

13. Section 12 does not apply if a use in Section 8 is in a mixed use building as described in Section 9a.

**PART 5.** The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

**PART 6.** This ordinance takes effect on August 11, 2003.

**PASSED AND APPROVED**

\_\_\_\_\_  
July 31, 2003

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
Sedora Jefferson  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk



# EXHIBIT A

234.762 ACRES  
IBM TRACT  
BRAKER LN. AT BURNET RD.

FN. NO. 99-252(MJJ)  
DECEMBER 9, 1999  
BPI JOB NO. 1016-01.92

## DESCRIPTION

OF 234.762 ACRES OF LAND OUT OF THE JAMES RODGERS SURVEY NO. 19, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO INTERNATIONAL BUSINESS MACHINES CORPORATION BY DEEDS OF RECORD IN VOLUME 3235, PAGE 386; VOLUME 3235, PAGE 393 AND VOLUME 3269, PAGE 1477, ALL OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 234.762 ACRES ALSO INCLUDES ALL OF THAT CERTAIN PORTION OF THE GAULT LANE RIGHT-OF-WAY QUITCLAIMED TO INTERNATIONAL BUSINESS MACHINES CORPORATION BY DEED OF RECORD IN VOLUME 9553, PAGE 423 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 234.762 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an iron pipe found in the westerly line of Burnet Road (F.M. Highway 1325-R.O.W. varies), being the southeasterly corner of that said Deed of Record in Volume 3269, Page 1477, same being the northeasterly corner of that certain 0.597 acre tract of land conveyed to Gene A. Hileman, et. ux. by deed of record in Volume 6214, Page 2293 of said Deed Records;

THENCE, N15°03'20"E, along the westerly line of Burnet Road, being the easterly line of said tract of record in Volume 3269, Page 1477, of said Real Property Records, a distance of 104.35 feet to a 1/2 inch iron rod with cap set at the intersection of the southerly line of Braker Lane (R.O.W. varies) with the westerly line of Burnet Road;

THENCE, N15°03'20"E, over and across Braker Lane, a distance of 200.00 feet to a 1/2 inch iron rod with cap set at the intersection of the northerly line of Braker Lane, with the westerly line of Burnet Road for the POINT OF BEGINNING and southeasterly corner hereof;

THENCE, leaving the westerly line of Burnet Road, along the northerly line of Braker Lane, being the southernmost line hereof, the following four (4) courses and distances:

- 1) N82°56'11"W, a distance of 354.45 feet to a square head bolt found for an angle point;
- 2) N76°29'23"W, a distance of 279.20 feet to a 1/2 inch iron rod found for the point of curvature of a non-tangent curve to the right;
- 3) Along said non-tangent curve to the right having a radius of 1340.00 feet, a central angle of 14°19'31", an arc length of 335.03 feet and a chord which bears N69°18'53"W, a distance of 334.16 feet to a square head bolt found for the end of said curve;

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- 4) N62°13'21"W, a distance of 574.80 feet to a 1/2 inch iron rod with cap set at the southeasterly corner of a 70.494 acre tract of land conveyed to Multilayer Tek, L.P., by deed of record in Volume 13200, Page 157 of the Real Property Records of Travis County, Texas, for the southwesterly corner hereof, from which a 1/2 inch iron rod found being an angle point in the northerly line of Braker Lane bears, N62°13'21"W, a distance of 98.68 feet;

THENCE, leaving the northerly line of Braker Lane, along the irregular easterly and southerly lines of said 70.494 acres, being the irregular westerly and southerly lines hereof, the following thirty-three (33) courses and distances:

- 1) N17°46'50"E, a distance of 1038.58 feet to a 1/2 inch iron rod found for an angle point;
- 2) S72°12'26"E, a distance of 323.78 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N42°18'10"E, a distance of 188.64 feet to a 1/2 inch iron rod found for an angle point;
- 4) S72°07'49"E, a distance of 245.96 feet to a 1/2 inch iron rod found for an angle point;
- 5) S75°20'21"E, a distance of 82.34 feet to a 1/2 inch iron rod found for an angle point;
- 6) N17°49'08"E, a distance of 581.87 feet to a 1/2 inch iron rod found for an angle point;
- 7) S72°15'42"E, a distance of 434.07 feet to a 1/2 inch iron rod found for an angle point;
- 8) N17°21'56"E, a distance of 214.23 feet to a 1/2 inch iron rod found for an angle point;
- 9) N01°56'54"W, a distance of 107.36 feet to a 1/2 inch iron rod found for the most northeasterly corner of said 70.494 acres and an angle point hereof;
- 10) N72°15'13"W, a distance of 212.15 feet to a 1/2 inch iron rod found for an angle point;
- 11) S24°56'08"W, a distance of 16.36 feet to a 1/2 inch iron rod found for an angle point;
- 12) N72°24'55"W, a distance of 169.39 feet to a 1/2 inch iron rod found for an angle point;

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- 13) S71°39'56"W, a distance of 357.02 feet to a 1/2 inch iron rod found for an angle point;
- 14) N74°19'36"W, a distance of 112.97 feet to a P.K. nail found for an angle point;
- 15) S49°20'38"W, a distance of 50.74 feet to a 1/2 inch iron rod found for an angle point;
- 16) N75°43'30"W, a distance of 137.22 feet to a 1/2 inch iron rod found for an angle point;
- 17) N78°08'50"W, a distance of 182.74 feet to a 1/2 inch iron rod found for an angle point;
- 18) S17°57'12"W, a distance of 278.54 feet to a 1/2 inch iron rod found for an angle point;
- 19) N72°26'30"W, a distance of 352.31 feet to a 1/2 inch iron rod with cap set for an angle point;
- 20) N17°59'46"E, a distance of 534.11 feet to a 1/2 inch iron rod with cap set for an angle point;
- 21) S72°20'03"E, a distance of 261.70 feet to a 1/2 inch iron rod found for an angle point;
- 22) N53°16'16"E, a distance of 109.35 feet to a 1/2 inch iron rod with cap set for an angle point;
- 23) N17°59'39"E, a distance of 456.88 feet to a 1/2 inch iron rod found for an angle point;
- 24) N70°54'35"E, a distance of 35.90 feet to a 1/2 inch iron rod found for an angle point;
- 25) N72°17'15"W, a distance of 547.59 feet to a 1/2 inch iron rod found for the point of curvature of a non-tangent curve to the left;
- 26) Along said non-tangent curve to the left having a radius of 150.00 feet, a central angle of 44°32'01", an arc length of 116.59 and a chord which bears S85°24'22"W, a distance of 113.68 feet to a 1/2 inch iron rod found for the end of said curve;
- 27) S63°08'42"W, a distance of 220.19 feet to a 1/2 inch iron rod found for the point of curvature of a non-tangent curve to the left;

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- 28) Along said non-tangent curve to the left having a radius of 150.00 feet, a central angle of  $45^{\circ}53'13''$ , an arc length of 120.13 feet and a chord which bears  $S40^{\circ}06'59''W$ , a distance of 116.95 feet to a 1/2 inch iron rod found of the end of said curve;
- 29)  $S17^{\circ}12'25''W$ , a distance of 340.78 feet to a 1/2 inch iron rod with cap set for an angle point;
- 30)  $N74^{\circ}02'32''W$ , a distance of 38.11 feet to a 1/2 inch iron rod found for an angle point;
- 31)  $N74^{\circ}29'48''W$ , a distance of 200.70 feet to a 1/2 inch iron rod found for an angle point;
- 32)  $N16^{\circ}48'55''E$ , a distance of 153.28 feet to a 1/2 inch iron rod found for an angle point;
- 33)  $N76^{\circ}09'37''W$ , a distance of 225.99 feet to a 1/2 inch iron rod found in the curving easterly line of the Missouri-Pacific Railroad (100' R.O.W.), for the point of curvature of a non-tangent curve to the left and the westernmost southwesterly corner hereof, same being the most northwesterly corner of said 70.494 acre tract;

THENCE, leaving the most northwesterly corner of said 70.494 acre tract, along the easterly line of said Missouri-Pacific Railroad, being the most westerly line hereof, the following two (2) courses and distances:

- 1) Along said non-tangent curve to the left having a radius of 3854.86 feet, a central angle of  $03^{\circ}05'26''$ , an arc length of 207.94 feet and a chord which bears  $N04^{\circ}12'36''W$ , a distance of 207.92 feet to a 1 inch bolt found for the end of said curve, from which a 1/2 inch iron rod found in the westerly line of the Missouri-Pacific Railroad, same being the easterly line of Braker Pointe Subdivision, of record in Book 101, Page 326 of the Plat Records of Travis County, Texas bears,  $S86^{\circ}18'33''W$ , a distance of 101.86 feet;
- 2)  $N04^{\circ}57'01''W$ , a distance of 430.75 feet to a brass highway disc found in the southeasterly line of Mopac Expressway North (Loop 1-R.O.W. varies), for the westernmost northwesterly corner hereof;

THENCE, along the southeasterly line of Mopac Expressway North, being the northwesterly line hereof, the following four (4) courses and distances:

- 1)  $N39^{\circ}34'07''E$ , a distance of 523.81 feet to a brass highway disc found for the point of curvature of tangent curve to the right;

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- 2) Along said tangent curve to the right having a radius of 5699.58 feet, a central angle of  $10^{\circ}55'42''$ , an arc length of 1087.12 feet and a chord which bears  $N45^{\circ}01'57''E$ , a distance of 1085.47 feet to a brass highway disc found for the point of compound curvature of a curve to the right;
- 3) Along said compound curve to the right having a radius of 7404.44 feet, a central angle of  $10^{\circ}54'09''$ , an arc length of 1408.96 feet and a chord which bears  $N55^{\circ}55'05''E$ , a distance of 1406.83 feet to a P.K. nail found for the point of curvature of another compound curve to the right;
- 4) Along said compound curve to the right having a radius of 2261.83 feet, a central angle of  $07^{\circ}41'50''$ , an arc length of 303.85 feet and a chord which bears  $N65^{\circ}04'41''E$ , a distance of 303.63 feet to a brass highway disc found for the southwesterly corner of Lot 3, North Loop Business Park Section One-A, a subdivision of record in Book 85, Page 194C of the Plat Records of Travis County, Texas, same being the northerly line of Gault Lane, having been vacated by the City of Austin, for the northwesterly corner hereof;

THENCE,  $S62^{\circ}17'19''E$ , along the southerly line of said Lot 3, being the northerly line of said Portion of Gault Quitclaimed to International Business Machines Corporation, a distance of 633.13 feet to a 1/2 inch iron rod with cap set for an angle point hereof;

THENCE,  $S28^{\circ}06'25''W$ , a distance of 31.21 feet to a 1/2 inch iron pipe found in the southerly line of Gault Lane, vacated by the City of Austin, for an angle point;

THENCE,  $S62^{\circ}13'48''E$ , along said southerly line, being the northerly line hereof, a distance of 771.40 feet to a 1/2 inch iron rod found in the westerly line of Burnet Road, being the northeasterly corner of said Deed of Record in Volume 3235, Page 393, for the point of curvature of a non-tangent curve to the left;

THENCE, along the westerly line of Burnet Road, same being the easterly line of said deeds of Record in Volume 3235, Page 386, Volume 3235, Page 393 and Volume 3269, Page 1477, being the easterly line hereof, the following five (5) courses and distances:

- 1) Along said non-tangent curve to the left having a radius of 3879.72 feet, a central angle of  $02^{\circ}03'26''$ , an arc length of 139.31 feet and a chord which bears  $S26^{\circ}59'48''W$ , a distance of 139.30 feet to a 60D nail found for the end of said curve;
- 2)  $S25^{\circ}29'47''W$ , a distance of 1263.90 feet to a 1/2 inch iron rod found for the point of curvature of a curve to the left;

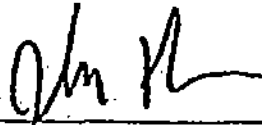
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- 3) Along said curve to the left having a radius of 2924.90 feet, a central angle of  $10^{\circ}05'56''$ , an arc length of 515.53 feet and a chord which bears  $S20^{\circ}29'42''W$ , a distance of 514.87 feet to a 1/2 inch iron rod found for the end of said curve;
- 4)  $S15^{\circ}25'05''W$ , a distance of 2530.80 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5)  $S15^{\circ}03'20''W$ , a distance of 791.04 to the POINT OF BEGINNING, containing an area of 234.762 acres (10,226,241 sq. ft.) of land, more or less, within these metes and bounds.

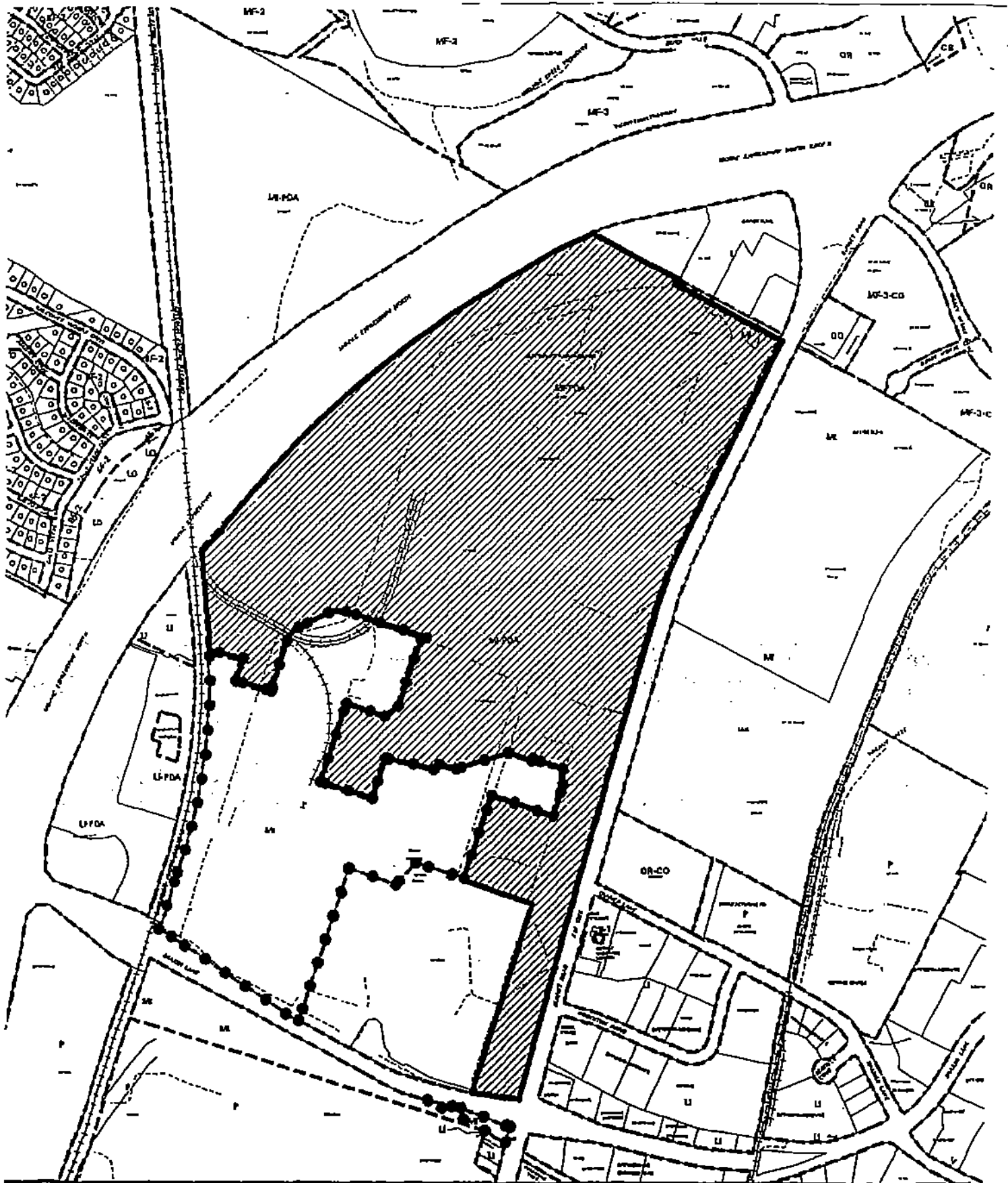
I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.





BURY & PITTMAN, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN, TEXAS 78746

  
JOHN T. BILNOSKI  
R.P.L.S. NO. 4998  
STATE OF TEXAS  
12/9/99  
DATE



000608-67



 1" = 800'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER K33
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0017	DATE: 03-02	
	CASE MGR: S. GAGER	ADDRESS: 11400 BURNET ROAD	INTLS: SM	
SUBJECT AREA (acres): N/A				

**ORDINANCE NO. 041216-Z-5b**

**AN ORDINANCE AMENDING ORDINANCE NO. 030731-Z-5 TO REZONE AND CHANGE THE ZONING MAP FROM MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT FOR LAND KNOWN AS THE MULTEK PLANNED DEVELOPMENT AREA LOCATED AT 3300 WEST BRAKER LANE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Multek Planned Development Area (the "Original Multek PDA") is comprised of approximately 70 acres of land located at 3300 West Braker Lane in Travis County and more particularly described by metes and bounds in Ordinance No. 030731-Z-5. The Original Multek PDA was approved July 31, 2003 under Ordinance No. 030731-Z-5 (the "Original PDA Ordinance").

**PART 2.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial planned development area (MI-PDA) combining district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No. C14-04-0151, on file at the Neighborhood Planning and Zoning Department, locally known as 3300 West Braker Lane, in the City of Austin, Travis County, Texas, and generally identified as Tract B in the map attached as Exhibit "A".

**PART 2.** This ordinance amends the Original PDA Ordinance. The Original Multek PDA shall conform to the limitations and conditions set forth in the Original PDA Ordinance as amended by this ordinance.

**PART 3.** The Original PDA Ordinance is modified as shown in this part.

1. Part 4, Section 9 is amended as follows:

A 100-foot wide buffer zone measured from building to building shall be established and maintained between property developed with the uses in Section 6 and the following uses:

Agricultural sales and services  
Equipment repair services

Construction sales and services  
Equipment sales



Research services

General warehousing and distribution

Limited warehousing and distribution

Postal facilities

Research testing services

Light manufacturing

Maintenance and services facilities

Railroad facilities

Improvements permitted within the buffer zone are limited to driveways, parking facilities, solid fences, pedestrian trails, hike and bike trails, recreational facilities, detention and water quality re-irrigation facilities, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. Part 4, Section 10 is amended as follows:

Except as provided in Section 11, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 6 and property developed with a commercial or industrial use, except when the use in Section 6 abuts a parking structure where the building shares a common wall or unless there is a driveway, private or public roadway of 60 feet or more separating the residential and commercial/industrial uses. If a 100-foot wide buffer zone is required under Section 9, the 25-foot wide vegetative buffer may be located within the 100-foot wide buffer zone.

Improvements permitted within the 25-foot buffer zone are limited to drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

3. Part 4 is amended to add the following sections:

12. Section 25-8-301 (*Construction of a Roadway or Driveway*) is modified to allow construction on a slope.

13. Section 25-8-341 (*Cut Requirements*) and Section 25-8-342 (*Fill Requirements*) are modified to allow cut and fill to exceed four feet of depth. All cut and fill areas shall be structurally contained.

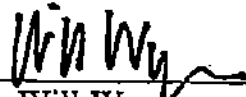
**PART 4.** Except as otherwise provided in this ordinance, the terms and conditions of Ordinance No. 030731-Z-5 remain in effect.

**PART 5.** This ordinance takes effect on December 27, 2004.

**PASSED AND APPROVED**

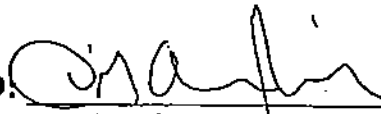
December 16, 2004

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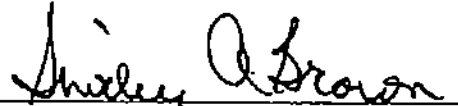
Will Wynne  
Mayor

APPROVED:

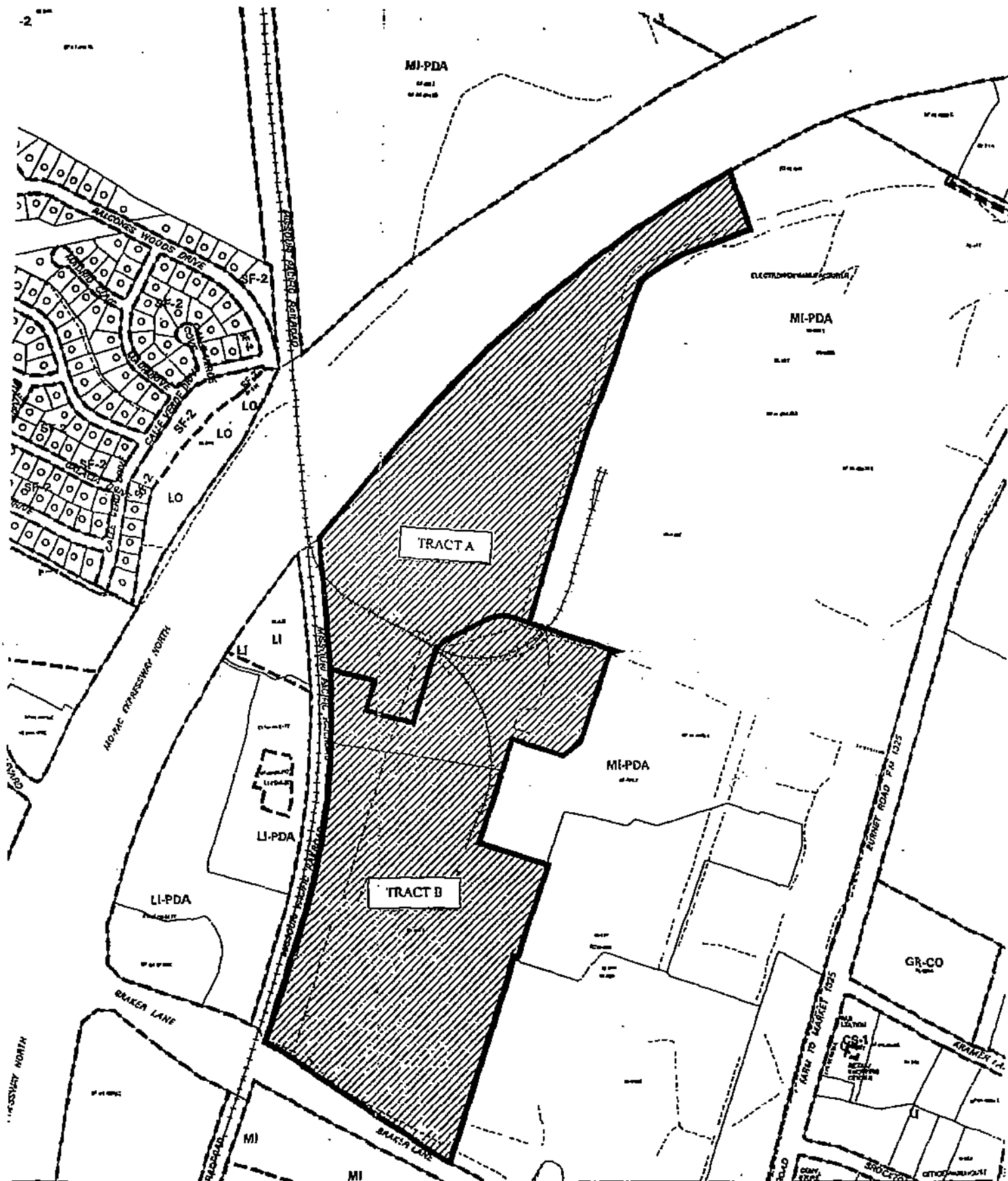



David Allan Smith  
City Attorney

ATTEST:



Shirley A. Brown  
City Clerk



 1" = 600'	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: S. GAGER</p>	<p style="text-align: center;"><b>ZONING EXHIBIT A</b></p> <p>CASE #: C14-04-0151</p> <p>ADDRESS: 11400 BURNET RD &amp; 3300 W BAKER LANE</p> <p>SUBJECT AREA (acres): 96.133</p> <p>DATE: 04-12</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>K33-34</p>
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**ORDINANCE NO. 030731-Z-5**

**AN ORDINANCE REZONING AND CHANGING THE MAP FOR THE PROPERTY KNOWN AS THE MULTEK PROJECT LOCATED AT 3300 WEST BRAKER LANE FROM MAJOR INDUSTRIAL (MI) DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial (MI) district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No.C14-03-0016, on file at the Neighborhood Planning and Zoning Department, as follows:

A 70.500 acre tract of land, more or less, out of the James Rodgers Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 3300 West Braker Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as otherwise provided in Part 4, Section 3, development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

**PART 3.** Development of the Property shall comply with the following use regulations:

1. Except as provided in Section 3, all permitted and conditional major industrial (MI) uses are permitted and conditional uses of the Property.

2. The following are additional permitted uses of the Property:

Condominium residential	Retirement housing (small site)
Retirement housing (large site)	Townhouse residential
Consumer repair services	Recreation equipment maintenance and storage
Recreation equipment sales	Veterinary services
Research testing services	College and university facilities
Administrative services	Postal facilities
Convalescent services	
Multifamily residential	

3. The following uses are prohibited uses of the Property:

Monument retail sales	Basic industry
Recycling center	

**PART 4.** Development of the Property shall comply with the following site development regulations:

1. Definitions

As used in this ordinance:

*Mixed Use Building* is a building used for both commercial and residential uses.

2. Lot size

The minimum lot size is one and one-half acres.

3. The Property shall comply with Section 25-2-648 of the City Code except that it does not apply to uses of tenants that occupy the Property on July 31, 2003.

4. The maximum density for residential use is 1,410 dwelling units.

5. Except as provided in Section 7, MI site development standards apply to the Property.

6. Sections 7, 9, and 10 apply to the following uses:

Condominium residential	Multifamily residential
Retirement housing (small site)	Retirement housing (large site)
Townhouse residential	Congregate living
Convalescent services	

7. If the Property is developed with a use in Section 6 and;

- a. the development is a mixed use building that complies with the site development standards in Section 8, then development of the Property shall comply with the setback requirements of MI; or
- b. the development is a mixed use building other than one described in Section 7a, then development of the Property shall comply with the setback requirements of the multifamily residence high density (MF-5) district.

8. This section applies to a mixed use building described in Section 7a.

- a. The building contains residential units above ground floor level.
- b. The square footage of the residential units on the ground floor is not more than 50 percent of the gross floor area of the ground floor.
- c. The square footage of the non-residential units in the above-ground floor area is not more than 50 percent of the gross floor area of the above-ground floor area.

9. A 100-foot wide buffer zone shall be established and maintained between property developed with the uses in Section 6 and the following uses:

Agricultural sales and services	Construction sales and services
Equipment repair services	Equipment sales
Research services	Research testing services
General warehousing and distribution	Light manufacturing
Limited warehousing and distribution	Maintenance and service facilities
Postal facilities	Railroad facilities

Improvements permitted within the buffer zone are limited to driveways, parking facilities, solid fences, pedestrian trails, hike and bike trails, recreational facilities,

detention and water quality re-irrigation facilities, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

10. Except as provided in Section 11, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 6 and property developed with a commercial or industrial use. Improvements permitted within the 25-foot buffer zone are limited to drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
11. Section 10 does not apply if a use in Section 6 is in a mixed use building as described in Section 7a.

**PART 5.** The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

**PART 6.** This ordinance takes effect on August 11, 2003.

**PASSED AND APPROVED**

\_\_\_\_\_, July 31, 2003

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§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:**

\_\_\_\_\_  
Sedora Jefferson  
City Attorney

**ATTEST:**

\_\_\_\_\_  
Shirley A. Brown  
City Clerk

70.500 ACRES  
MULTILAYER TEK TRACT  
DOMAIN SUBDIVISION

EXHIBIT A

FN NO. 02-278 (MTH)  
SEPTEMBER 20, 2002  
BPI JOB NO. 1000-30.92

DESCRIPTION

OF A 70.500 ACRE TRACT OF LAND OUT OF THE JAMES ROGERS SURVEY NO. 19, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THAT SAME 70.494 ACRE TRACT OF LAND CONVEYED TO MULTILAYER TEK, L.P. BY DEED OF RECORD IN VOLUME 13200, PAGE 157 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 70.500 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the intersection of the northerly right-of-way line of Braker Lane (R.O.W. Varies), with the easterly right-of-way line of the Missouri Pacific Railroad, same being the southwesterly corner of said 70.494 acre tract and hereof;

**THENCE**, leaving the northerly right-of-way line of Braker Lane, along the common line of the Missouri Pacific Railroad and said 70.494 acre tract for the westerly line hereof, the following two (2) courses and distances:

- 1) N18°37'54"E, a distance of 384.43 to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;
- 2) Along said non-tangent curve to the left having a radius of 3854.86 feet, a central angle of 21°59'52", an arc length of 1480.00 feet and a chord which bears N07°34'21"E, a distance of 1470.93 feet to a 1/2 inch iron rod found at an angle point in the irregular westerly line of that certain Remainder of 234.762 acre tract of land conveyed to JER Austin Tech, L.P. by deed of record in Document No. 1999161226 of the Official Public Records of Travis County, Texas, being the northwesterly corner of said 70.494 acre tract and hereof, from which a square head bolt found in the irregular westerly line of said Remainder of 234.762 acre tract bears a chord bearing of N04°12'36"W, a distance of 207.92 feet;

**THENCE**, leaving the easterly right-of-way line of the Missouri Pacific Railroad, along the common line of said Remainder of 234.762 acre tract and said 70.494 acre tract for the northerly line and a portion of the easterly line hereof, the following twenty-eight (28) courses and distances:

- 1) S76°09'37"E, a distance of 225.99 feet to a 1/2 inch iron rod found;
- 2) S16°48'55"W, a distance of 153.28 feet to a 1/2 inch iron rod found;



- 3) S74°29'48"E, a distance of 200.70 feet to a 1/2 inch iron rod found;
- 4) S74°02'32"E, a distance of 38.11 feet to a 1/2 inch iron rod found;
- 5) S17°12'25"W, a distance of 340.78 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the right;
- 6) Along said non-tangent curve to the right having a radius of 150.00 feet, a central angle of 45°53'13", an arc length of 120.13 feet and a chord which bears S40°06'59"W, a distance of 116.95 feet to a 1/2 inch iron rod found for the end of said curve;
- 7) N63°08'42"E, a distance of 220.19 feet to a 1/2 inch iron rod found at the point of curvature of non-tangent curve to the right;
- 8) Along said non-tangent curve to the right having a radius of 150.00 feet, a central angle of 44°32'01", an arc length of 116.59 feet and a chord which bears S85°24'22"W, a distance of 113.68 feet to a 1/2 inch iron rod found for the end of said curve;
- 9) N72°17'16"W, a distance of 547.59 feet to a 1/2 inch iron rod found;
- 10) S70°54'35"W, a distance of 35.90 feet to a 1/2 inch iron rod found;
- 11) N17°59'39"E, a distance of 456.88 feet to a 1/2 inch iron rod found;
- 12) S53°16'16"W, a distance of 109.35 feet to a 1/2 inch iron rod found;
- 13) N72°20'03"W, a distance of 261.70 feet to a 1/2 inch iron rod found;
- 14) N17°59'46"E, a distance of 534.11 feet to a PK Nail found;
- 15) N72°26'30"W, a distance of 352.31 feet to a 1/2 inch iron rod found;
- 16) N17°57'12"E, a distance of 278.54 feet to a 1/2 inch iron rod found;

- 17) S78°08'50"E, a distance of 182.74 feet to a 1/2 inch iron rod found;
- 18) S75°43'30"E, a distance of 137.22 feet to a 1/2 inch iron rod found;
- 19) N49°20'38"E, a distance of 50.74 feet to a PK Nail found;
- 20) S74°19'36"E, a distance of 112.97 feet to a 1/2 inch iron rod found;
- 21) S71°39'56"W, a distance of 357.02 feet to a 1/2 inch iron rod found;
- 22) S72°24'55"E, a distance of 169.39 feet to a 1/2 inch iron rod found;
- 23) N24°56'03"E, a distance of 16.36 feet to a 1/2 inch iron rod found;
- 24) S72°15'13"E, a distance of 212.15 feet to a 1/2 inch iron rod found at the most northeasterly corner of said 70.494 acre tract and hereof;
- 25) S01°56'54"E, a distance of 107.36 feet to a 1/2 inch iron rod found;
- 26) S17°21'56"W, a distance of 214.23 feet to a 1/2 inch iron rod found;
- 27) S72°15'42"E, a distance of 434.07 feet to a 1/2 inch iron rod found;
- 28) N17°49'08"E, a distance of 581.87 feet to a 1/2 inch iron rod found in the northerly line of Lot 1, Block "A" Domain Section 1 Subdivision, a subdivision of record in Document No. 200100336 of said Official Public Records, being an interior ell corner of said Remainder of 234.762 acre tract;

**THENCE**, leaving the interior ell corner of said Remainder of 234.762 acre tract, along the common line of said Lot 1, Block "A" and said 70.494 acre tract, for a portion of the irregular easterly line hereof, the following five (5) courses and distances:

- 1) N75°20'21"W, a distance of 82.34 feet to a 1/2 inch iron rod found;
- 2) N72°07'49"W, a distance of 245.96 feet to a 1/2 inch iron rod found;

FN 02-278 (MTH)  
SEPTEMBER 20, 2002  
PAGE 4 OF 4

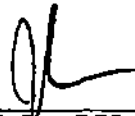
- 3) S42°18'10"W, a distance of 188.64 feet to a 1/2 inch iron rod found;
- 4) N72°12'26"W, a distance of 323.78 feet to a 1/2 inch iron rod found at the northwesterly corner of said Lot 1, Block "A";
- 5) N17°46'50"E, a distance of 1038.58 feet to a PK Nail found in the northerly right-of-way line of Braker Lane, being the southwesterly corner of said Lot 1, Block "A", same being the southeasterly corner of said 70.494 acre tract and hereof;

THENCE, leaving the southwesterly corner of said Lot 1, Block "A", along the northerly right-of-way line of Braker Lane, being the southerly line of said 70.494 acre tract and hereof, the following three (3) courses and distances:

- 1) N62°13'21"W, a distance of 98.68 feet to a 1/2 inch iron rod found;
- 2) N56°22'19"W, a distance of 904.43 feet to a 1/2 inch iron rod found;
- 3) N62°06'58"W, a distance of 95.15 feet to the POINT OF BEGINNING, containing an area of 70.500 acres (3,070,982 sq. ft.) of land, more or less, within these metes and bounds.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

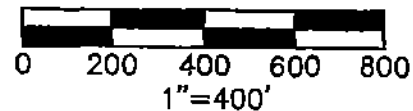
BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN, TEXAS 78746

 9/20/02  
JOHN T. BILNOSKI  
R.P.L.S. NO. 4998  
STATE OF TEXAS

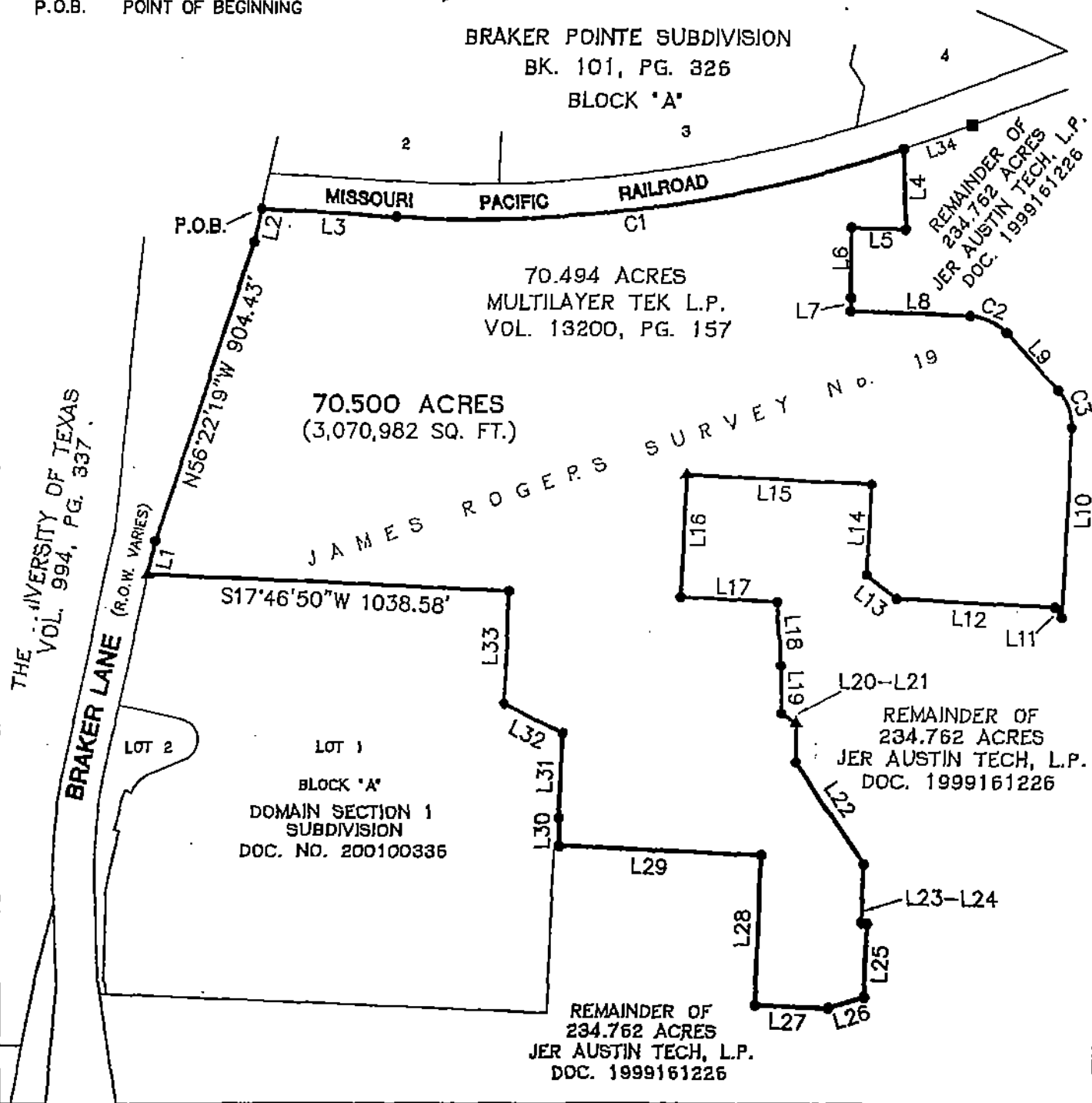


# LEGEND

- 1/2" IRON ROD FOUND
- SQUARE HEAD BOLT FOUND
- ▲ P.K. NAIL FOUND
- P.O.B. POINT OF BEGINNING



BRAKER POINTE SUBDIVISION  
BK. 101, PG. 326  
BLOCK 'A'



BURNET ROAD (F.M. HIGHWAY 1325) (120' R.O.W.)

SHEET 1 OF 2

**Bury+Partners**

Consulting Engineers and Surveyors  
Austin, Texas Tel 512/328-0011 Fax 512/328-0325  
Bury+Partners, Inc. ©Copyright 2002

## SKETCH TO ACCOMPANY DESCRIPTION

OF 70.500 ACRES OF LAND OUT OF THE JAMES ROGERS SURVEY NO. 19, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND OF RECORD IN VOLUME 13200, PAGE 157 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**ENDEAVOR**

**THE DOMAIN**

DATE: 9/20/02 FILE: H:\1000\30\100030EX1.dwg FN No.: FN02-278(MTH) DRAWN BY: M.J.J. PROJ. No: 1000-30

### LINE TABLE

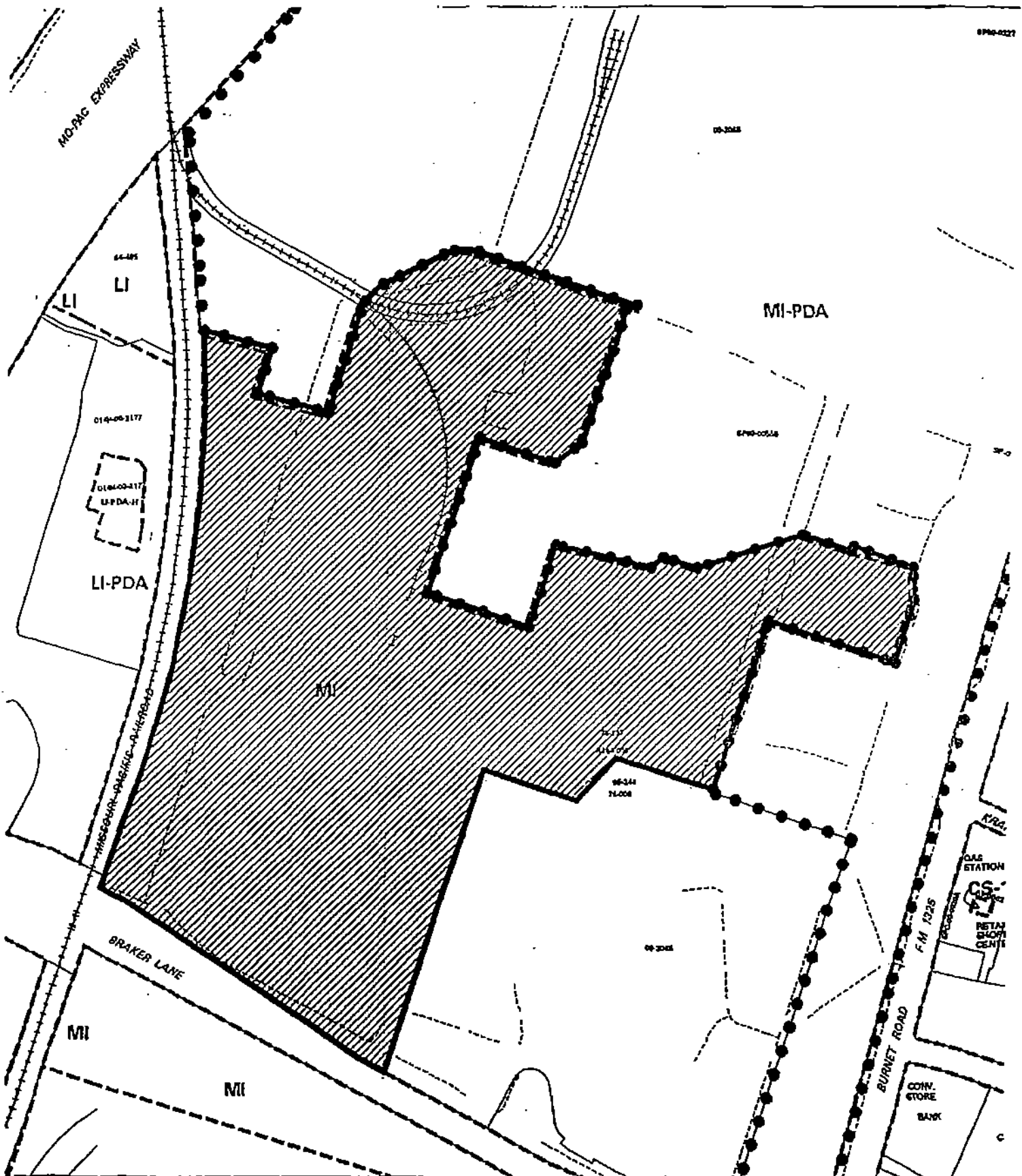
No.	Bearing	Distance
L1	N62°13'21"W	98.69'
L2	N62°06'58"W	95.15'
L3	N18°37'54"E	384.43'
L4	S76°09'37"E	225.09'
L5	S16°48'55"W	153.28'
L6	S74°29'48"E	200.70'
L7	S74°02'32"E	38.11'
L8	N17°12'25"E	340.78'
L9	N63°08'42"E	220.19'
L10	S72°17'16"E	547.59'
L11	S70°54'35"W	35.90'
L12	S17°59'39"W	456.88'
L13	S53°16'16"W	109.35'
L14	N72°20'03"W	261.70'
L15	S17°59'46"W	534.11'
L16	S72°26'30"E	352.31'
L17	N17°57'12"E	278.54'
L18	S78°08'50"E	182.74'
L19	S75°43'30"E	137.22'
L20	N49°20'38"E	50.74'
L21	S74°19'36"E	112.97'
L22	N71°39'56"E	357.02'
L23	S72°24'55"E	169.39'
L24	N24°56'08"E	16.36'
L25	S72°15'13"E	212.15'
L26	S01°56'54"E	107.36'
L27	S17°21'56"W	214.23'
L28	N72°15'42"W	434.07'
L29	S17°49'08"W	581.87'
L30	N75°20'21"W	82.34'
L31	N72°07'49"W	245.96'
L32	S42°18'10"W	188.64'
L33	N72°12'26"W	323.78'
L34	N04°12'36"W	207.92'

### CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	21°59'52"	3854.86	1480.00	1470.93	N07°34'21"E
C2	45°53'14"	150.00	120.13	116.95	N40°06'58"E
C3	44°32'02"	150.00	116.59	113.68	N85°24'22"E

COGO: 1016-01  
SHEET 2 OF 2

<b>Bury+Partners</b> Consulting Engineers and Surveyors Austin, Texas Tel 512/328-0811 Fax 512/328-0325 Bury+Partners, Inc. ©Copyright 2002	<b>SKETCH TO ACCOMPANY DESCRIPTION</b> OF 70.500 ACRES OF LAND OUT OF THE JAMES ROGERS SURVEY NO. 19, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND OF RECORD IN VOLUME 13200, PAGE 157 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.	<b>ENDEAVOR</b>
		<b>THE DOMAIN</b>
DATE: 9/20/02	FILE: H:\1000\30\100030EX1.dwg	FN No.: FN02-278(MTH)
DRAWN BY: M.J.J.		PROJ. No: 1000-30



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: S. GAGER

● ● ● ● ●

**CASE #: C14-03-0016**  
**ADDRESS: 3300 W BRAKER LANE**  
**SUBJECT AREA (acres): 70.500**

ZONING EXHIBIT B

DATE: 03-02  
INTLS: SM

**CITY GRID  
REFERENCE  
NUMBER**  
**K33**

1"=400'

**ORDINANCE NO. 20060831-068**

**AN ORDINANCE AMENDING SECTION 14-11-43 OF THE CITY CODE RELATING TO LICENSE AGREEMENTS; AMENDING SECTION 25-2-32 OF THE CITY CODE RELATING TO ZONING DISTRICTS AND MAP CODES; REPEALING AND REPLACING SECTION 25-2-172 OF THE CITY CODE RELATING TO MIXED USE DISTRICTS; ADDING SECTION 25-2-812 TO THE CITY CODE RELATING TO DRIVE-THROUGH FACILITIES; ADDING SECTION 25-2-813 TO THE CITY CODE RELATING TO SERVICE STATION USES; AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD SUBCHAPTER E RELATING TO DESIGN STANDARDS AND MIXED USES; AMENDING SECTION 25-6-478 RELATING TO REDUCED PARKING IN CERTAIN GEOGRAPHIC AREAS; AMENDING SECTION 25-8-63 OF THE CITY CODE RELATING TO IMPERVIOUS COVER CALCULATIONS; AND REPEALING SECTIONS 25-2-442, 25-2-646, AND 25-2-647 OF THE CITY CODE RELATING TO MIXED USE COMBINING DISTRICTS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 14-11-43 (*Annual Fee*) of the City Code is amended to amend Subsections (A) and (F) to read:

- (A) Except as provided in Subsections (C), ~~[and] (E), and (F)~~ and Section 14-11-46 (*Waiver for Subterranean Tunnel*), the holder of an approved license agreement shall pay the City an annual license fee.
- (F) The city manager shall waive an annual license fee if the city manager determines that:
  - (1) the license agreement ~~[relates to property zoned central business (CBD) or downtown mixed-use (DMU) and]~~ authorizes landscaping, overhead pedestrian cover, or a roof drain on adjacent public property; and
  - (2) the overhead cover, if any, is provided by a projection from a building, including a balcony or awning, or an arcade that is open to the street.

**PART 2.** Section 25-2-32(F) (*Zoning Districts And Map Codes*) of the City Code is amended to add the following district and map code and renumber the remaining districts and map codes accordingly:

(8) vertical mixed use

VMU

**PART 3.** Section 25-2-172 (*Mixed Use Combining District Purpose*) of the City Code is repealed and replaced with a new Section 25-2-172 to read:

**§ 25-2-172 MIXED USE (MU) COMBINING DISTRICT AND VERTICAL MIXED USE (VMU) OVERLAY DISTRICT.**

Mixed use (MU) combining districts and vertical mixed use (VMU) overlay districts are described and governed by Subchapter E, Article 4 (*Mixed Use*).

**PART 4.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-812 to read:

**§ 25-2-812 DRIVE-THROUGH FACILITY.**

A business that has a drive-through facility but does not have walk-in service must provide safe and convenient access for pedestrians to the drive-through facility.

**PART 5.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to read:

**§ 25-2-813 SERVICE STATION USE.**

A service station use:

- (1) must be screened from the street by a building or a landscape buffer that includes shade trees;
- (2) may not have more than 16 fuel dispensers; and
- (3) may not have more than eight vehicle queue lanes.

**PART 6.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Subchapter E to read as shown on Attachment "A".

**PART 7.** Section 25-6-478(A) (*Reduced Parking In Certain Geographic Areas*) of the City Code is amended to read:

(A) Except as provided in Subsection (B), this section applies in the area bounded by:

- (1) Highway 183 from Burnet Road to Highway 71;
- (2) Highway 71 from Highway 183 to Loop 1;



- (3) Loop 1 from Highway 71 to Lake Austin Boulevard;
- (4) Lake Austin Boulevard from Loop 1 to Exposition Boulevard;
- (5) Exposition Boulevard from Lake Austin Boulevard to 38<sup>th</sup> Street;
- (6) 38<sup>th</sup> Street from Exposition Boulevard to Loop 1;
- (7) Loop 1 from 38<sup>th</sup> Street to RM Road 2222;
- (8) RM Road 2222 from Loop 1 to Mesa Drive;
- (9) Mesa Drive from RM Road 2222 to Spicewood Springs Road;
- (10) Spicewood Springs Road from Mesa Drive to Loop 360;
- (11) Loop 360 from Spicewood Springs Road to Great Hills Trail;
- (12) Great Hills Trail from Loop 360 to Highway 183;
- (13) Highway 183 from Great Hills Trail to Braker Lane;
- (14) Braker Lane from Highway 183 to Burnet Road; and
- (15) Burnet Road from Braker Lane to Highway 183.
- ~~[(1) Highway 183 from Loop 360 to Highway 71;~~
- ~~(2) Highway 71 from Highway 183 to Loop 1;~~
- ~~(3) Loop 1 from Highway 71 to Lake Austin;~~
- ~~(4) Lake Austin from Loop 1 to Dry Creek;~~
- ~~(5) Dry Creek from Lake Austin to Ranch Road 2222;~~
- ~~(6) Ranch Road 2222 from Dry Creek to Mesa Drive;~~
- ~~(7) a line parallel to and 200 feet west of Mesa Drive from Ranch Road 2222 to Jollyville Road;~~
- ~~(8) Jollyville Road from Mesa Drive to Loop 360; and~~
- ~~(9) Loop 360 from Jollyville Road to Highway 183.]~~

**PART 8.** Section 25-8-63 (*Impervious Cover Calculations*) of the City Code is amended to add Subsection (D) to read:

(D) Chapter 25-2, Subchapter E, Section 2.3.1.B.1.e. (*Impervious Cover Credit*) provides for certain exclusions from impervious cover calculations for large development sites outside the Barton Springs Zone.

**PART 9.** Section 25-2-442 (*Mixed Use Combining Districts Generally*), Section 25-2-646 (*Mixed Use Combining District Permitted Uses*), and Section 25-2-647 (*Mixed Use Combining District Regulations*) of the City Code are repealed.

**PART 10.** This ordinance takes effect on January 13, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_  
August 31, 2006      §  
§  
§  
\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith      Shirley A. Gentry  
City Attorney      City Clerk